

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
YAVAPAI COUNTY, ARIZONA

FOR THE COUNTY OF YAVAPAI
2011 DEC -6 AM 11:46

SANDRA K HARKHAM, CLERK
Stephanie Kling

STATE OF ARIZONA,)
)
Plaintiff,)
)
vs.)
)
JAMES ARTHUR RAY,)
)
Defendant.)
)
_____)

Case No. V1300CR201080049

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE WARREN R. DARROW
TRIAL DAY SIXTEEN
MARCH 16, 2011
Camp Verde, Arizona

ORIGINAL

REPORTED BY
MINA G. HUNT
AZ CR NO. 50619
CA CSR NO. 8335

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 FOR THE COUNTY OF YAVAPAI
3
4 STATE OF ARIZONA,)
5 Plaintiff,)
6 vs.) Case No. V1300CR201080049
7 JAMES ARTHUR RAY,)
8 Defendant.)
9

10
11
12
13
14 REPORTER'S TRANSCRIPT OF PROCEEDINGS
15 BEFORE THE HONORABLE WARREN R DARROW
16 TRIAL DAY SIXTEEN
17 MARCH 16, 2011
18 Camp Verde, Arizona
19
20
21
22
23
24
25

REPORTED BY
MINA G. HUNT
AZ CR NO. 50619
CA CSR NO. 8335

3
1 INDEX

2
3 EXAMINATIONS PAGE
4 WITNESS
5 STEPHEN RAY
6 Cross by Ms. Do 13
Redirect by Ms. Polk 133
7

8 LOU CACI
9 Direct by Ms. Polk 192
10

11 EXHIBITS ADMITTED

12 Number Page
13 778 36
780 42
14 211, 212 53
213 66
214 70
15 551, 488, 489 73
782 159
16 328 221
17
18
19
20
21
22
23
24
25

2
1 APPEARANCES OF COUNSEL:

2 For the Plaintiff:

3 YAVAPAI COUNTY ATTORNEY'S OFFICE
4 BY: SHEILA SULLIVAN POLK, ATTORNEY
5 BY: BILL R. HUGHES, ATTORNEY
255 East Gurley
6 Prescott, Arizona 86301-3868
7

7 For the Defendant:

8 THOMAS K. KELLY, PC
9 BY: THOMAS K. KELLY, ATTORNEY
425 East Gurley
10 Prescott, Arizona 86301-0001
11

12 MUNGER TOLLES & OLSON, LLP
13 BY: LUIS LI, ATTORNEY
14 BY: TRUC DO, ATTORNEY
355 South Grand Avenue
15 Thirty-fifth Floor
Los Angeles, California 90071-1560
16

17 MUNGER TOLLES & OLSON, LLP
18 BY: MIRIAM L. SEIFTER, ATTORNEY
19 560 Mission Street
20 San Francisco, California 94105-2907
21
22
23
24
25

4
1 Proceedings had before the Honorable
2 WARREN R. DARROW, Judge, taken on Wednesday,
3 March 16, 2011, at Yavapai County Superior Court,
4 Division Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G. Hunt, Certified
6 Reporter within and for the State of Arizona.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

(Proceedings continued outside presence of jury.)

THE COURT: We're on the record in State of Arizona versus James Arthur Ray. Mr. Ray is present with the attorneys. The jury is not present.

Just informed there is a legal issue perhaps.

Counsel?

MS. DO: Good morning, Your Honor.

THE COURT: Good morning.

MS. DO: During the direct examination of Stephen Ray yesterday, the state was allowed to over our 106 objections to play several audio clips. And we had received those that morning of the audio clips and didn't have the opportunity to prepare the more expanded clips to have the state play at direct.

If the Court recalls, at bench conference when I made my objection, the state indicated that I could cure that on cross-examination. So last night I prepared the clips that we intend to offer under 106 and provided those to the state.

This morning Ms. Polk asked that I expand

one of the CDs to include an additional ten minutes. So this is the issue that we have this morning.

We are going to cure what we believe was not in context during direct under 106 with two audio clips. We're objecting to the state's request that the defense expand that audio clip to include an additional 10 minutes, which does not provide additional context.

And our position is that the state could have done that in direct examination. If the state wishes to do that at this point, it should be done on redirect.

We'd ask guidance from the Court this morning on that.

THE COURT: The way it has worked for this witness is to have the parts played according to who's doing the examination.

So Ms. Do, you will play what you want to. And then if there's an issue of expanding that, then the additional part may be played on redirect.

Ms. Polk, that would be my -- I want to hear from you on that. We've already divided this up in a fashion I prefer not to have had. We

talked about the disclosure issue.

I try to balance -- I have tried to balance this question of whether it's voluminous and what does it take to actually examine all the clips and see what would be a fair presentation. But that's my reaction.

But I want to hear from you.

MS. POLK: Thank you, Your Honor.

The -- I did receive notice late last night about the two additional clips. And then this morning I listened to both of the clips that the defense wants to play. The first clip the defense had -- and then I emailed this morning out the expanded version that I believe should be played to complete the story pursuant to Rule 106 so that they're not taken out of context.

The defense has indicated the first clip, as I've requested, it's expansion they will play. The second clip -- actually, the additional portion is about eight minutes that the state believes should be played.

And, Your Honor, the -- I have prepared the clip. I have provided it to Ms. Do. It is ready to go. The state will stipulate to its admission. We're talking about an additional eight

minutes.

The problem with the portion that the defense has provided is it is a piece of a lecture that talks about the five pillars of power. And what they've done with their clip is pulled out a piece but not included the entire lecture about what the five pillars of power are. And there's overlap. There's references to the five pillars throughout.

So what I propose and I believe should be played pursuant to Rule 106 is the additional eight minutes so it gives the jury the entire context. The problem with having the defense play their more limited clip is that then the state -- on redirect I play the expanded clip, it's going to include what they have played.

So it's not a very good use of jury time or court time for me to play -- let me just look at my notes here. The original clip is about nine minutes. And I have requested that an additional eight minutes be played.

The -- their nine minutes is in the middle of what I have requested; so we're talking about the jury hearing what they heard -- what the jury -- hearing what the defense wants them and

1 then on redirect playing again and then playing the
2 expanded clip.

3 It is ready to go. I've provided it to
4 the defense. There is no reason why pursuant to
5 106 the expanded clip should not just be played,
6 Your Honor.

7 MS. DO: Judge, the state prepared the excerpt
8 yesterday. And I agree with Ms. Polk that the
9 excerpt that the state played is in the context of
10 Mr. Ray speaking about five different aspects of
11 the philosophy he is expressing at that moment.

12 The state selected one of those pillars
13 that emphasized death. And that has been a
14 consistent theme in this case. If the state had on
15 it's own initiative played that excerpt in context,
16 we would not be here dealing with this issue.

17 It would be unfair at this point, given
18 the fact that yesterday we did not have the
19 opportunity under 106 to play the entire context
20 for the jury, for me to be required under
21 cross-examination to cure what was misleading on
22 direct for the state.

23 At this point I think that given -- with
24 this witness I agree with the Court. This is not
25 the fashion we want to continue in. But for the

1 sake of this witness, since yesterday's bench
2 conference I wasn't allowed to expand the clips
3 that Ms. Polk was going to play, I think this would
4 be unfair at this moment to have the defense,
5 essentially, offer the evidence for the state.

6 THE COURT: I think that the defense was
7 cooperating. I think I had an element of
8 cooperation. And in view of that, I think that's
9 what needs to be done for this -- for this
10 particular witness, Ms. Polk, just because of this
11 unusual posture.

12 MS. POLK: And, Your Honor, I'd like to
13 respond to that because the state gave notice to
14 the defense of the clips a couple weeks ago.
15 Monday morning I gave them notice of the more
16 limited clips. And we're down to 22 clips.

17 If the defense wanted us to play an
18 expanded version, then we were willing to do it.
19 And I indicated that on my Monday morning email,
20 let me know what you want played, and I will play
21 it.

22 When I examined Mr. Ray yesterday, the
23 defense didn't have an expanded version for me to
24 play. But all along with respect to every audio
25 clip the state has played, we have been willing to

1 play an expanded version. And, in fact, we have
2 been the ones to prepare the expanded version when
3 the defense has gotten that notice to us.

4 Yesterday when I played the audio clips
5 for Stephen Ray, I would have been willing to play
6 the expanded version, but nothing was offered to
7 me.

8 It is inaccurate to stay that the clips
9 were misleading. They're not misleading. The
10 context should come in. I believe the context
11 should come in, and I'm willing to put that context
12 in. I would have been willing to do it yesterday
13 if the defense had given me the expanded clips,
14 which they have not.

15 I took the time early this morning to
16 listen to the clips they want to play. I have
17 prepared the expanded clip that I believe should
18 come in, and I provided it to the defense.

19 Pursuant to Rule 106, they should be
20 played now otherwise we are backtracking, replaying
21 their clip, which is in the middle of the expanded
22 clip that I have prepared and given to Ms. Do.

23 THE COURT: You know, I'm just trying to have
24 a solution for this particular witness and, again,
25 trying to balance this concern of if there are a

1 hundred clips, then having the defense have to
2 prepare for a hundred and then it's down to 22,
3 it's just a problem when there's evidence of this
4 nature.

5 This is what's happened with this
6 witness. It's, in essence, the law of the case for
7 this particular witness. And that's how it's going
8 to have to be this time.

9 I don't see that this should ever arise
10 again. This should be the last time that this
11 issue comes up. The proposed clips are in a very
12 manageable number now. And it just should not
13 arise again.

14 In talking about losing time, I've made
15 the request, if we're going to have these legal
16 issues, please. I need to know earlier. I'm just
17 going to have to impose that time. We're well past
18 nine minutes that would have been available with
19 the jury.

20 Anything else?

21 MS. DO: No, Your Honor. Thank you.

22 THE COURT: Ms. Polk?

23 MS. POLK: No, Your Honor. Thank you.

24 (Proceedings continued in the presence of
25 jury.)

1 THE COURT: The record will show the presence
2 of the defendant, Mr. Ray, the attorneys, and the
3 jury.

4 The witness, Mr. Stephen Ray, has
5 returned to the witness stand.

6 And Ms. Do, I believe you were going to
7 start cross-examination.

8 MS. DO: Thank you. Good morning, Your Honor.

9 CROSS-EXAMINATION

10 BY MS. DO:

11 Q. Good morning, Mr. Ray.

12 A. Good morning.

13 Q. I'm not sure if you remember me, but
14 we've met on one other occasion; correct?

15 A. Yes.

16 Q. And that was, I believe, on the date of
17 December 22nd, 2010, if you recall?

18 A. In San Diego?

19 Q. Yes.

20 A. Yes.

21 Q. We're both from there; correct?

22 A. Yes.

23 Q. And we met at the San Diego police
24 station in the Northern County; correct?

25 A. Correct.

14

1 Q. And present also was Detective Ross
2 Diskin?

3 A. Yes.

4 Q. And on the telephone Ms. Polk joined us?

5 A. Yes.

6 Q. And on that date, Mr. Ray, you were kind
7 enough to give me some of your time. And we talked
8 about your prior statements in this case; correct?

9 A. Yes.

10 Q. Let me ask you a few questions about your
11 background. You indicated yesterday that you're 47
12 years old?

13 A. Yes.

14 Q. I take it that you're single?

15 A. Yes.

16 Q. You indicated also that at this time
17 you're not currently working; is that correct?

18 A. Correct.

19 Q. At the time of the Spiritual Warrior
20 Retreat in Sedona in October of 2009, you were also
21 not working at that time?

22 A. Correct.

23 Q. Prior to not working, you, I believe,
24 were an executive in the banking industry?

25 A. Yes.

1 Q. And you had done that for some time;
2 correct?

3 A. Yes.

4 Q. I understand that you also have a college
5 degree, a bachelor of arts, from San Diego State
6 University?

7 A. Yes.

8 Q. And your degree is in what you call
9 "industrial organizational psychology"?

10 A. Correct.

11 Q. Could you tell the jury what that is.

12 A. It's a field of study in psychology that
13 usually goes toward consulting with corporations in
14 the workplace environment.

15 Q. So if I understand it correctly, it's
16 applying psychology to organizations and the
17 workplace. Correct?

18 A. Yes.

19 Q. And it's applying psychology to try and
20 help improve the way the organization or the
21 workplace functions?

22 A. Yes.

23 Q. And so it also involves looking at hiring
24 practices and training programs; correct?

25 A. Not so much hiring programs per se, but

16

1 training practices and the workplace environment.

2 Q. It's, basically, to improve the
3 well-being of the people of the organization?

4 A. Yes.

5 Q. Okay. Now, you told the jury that you've
6 attended some number of JRI seminars; correct?

7 A. Yes.

8 Q. And we'll get into it a little bit more
9 with the details. But a lot of these or some of
10 these seminars that you've attended put on by JRI
11 would be the type of motivational training programs
12 that an industrial organizational psychologist
13 might recommend for employees; correct?

14 A. Yes.

15 Q. Okay. Now, you told the jury that you
16 began about two and a half, three years ago
17 attending JRI seminars; correct?

18 A. Yes.

19 Q. And that began with a group of friends
20 and you going to a free event in San Diego?

21 A. Yes.

22 Q. And if I understand correctly, you had
23 gone with your group of friends to this free
24 seminar because your friends told you that they had
25 gotten some positive results from attending prior

1 ones, as well; correct?
 2 **A. Yes.**
 3 **Q.** And those friends are folks who are in
 4 various aspects of professions; right?
 5 Businessmen?
 6 **A. Yes.**
 7 **Q.** Entrepreneurs?
 8 **A. Correct.**
 9 **Q.** And they told you that from attending
 10 these JRI seminars, they had actually gotten tools
 11 that they use in their business, their lives, and
 12 gotten positive results?
 13 **MS. POLK:** Objection. Calls for hearsay, Your
 14 Honor.
 15 **THE COURT:** Sustained.
 16 **Q.** BY **MS. DO:** I'm trying to understand why
 17 you began going to these JRI events. Okay? And I
 18 believe what you told us just a moment ago is that
 19 you went because your friends told you they got
 20 positive results. Correct?
 21 **A. Yes.**
 22 **MS. POLK:** Same objection, Judge.
 23 **THE COURT:** Ms. Do?
 24 **MS. DO:** I think I'm just laying a foundation
 25 as to why he began attending the events, Your

1 Honor.
 2 **THE COURT:** Is it for the truth?
 3 **MS. DO:** No.
 4 **THE COURT:** Then overruled.
 5 **Q.** BY **MS. DO:** Is that correct, sir?
 6 **A. What was the question again?**
 7 **Q.** The question is -- I'm just trying to
 8 understand and have the jury understand why it was
 9 that you began attending these events.
 10 And from what you've told me previously
 11 and this morning, it's because your friends told
 12 you that they had gotten positive results; correct?
 13 **A. Yes.**
 14 **Q.** And so you went to the --
 15 **MS. POLK:** Your Honor, may I have a moment
 16 with Ms. Do?
 17 **THE COURT:** Pardon me?
 18 **MS. POLK:** May I have a moment with Ms. Do?
 19 **THE COURT:** Yes.
 20 **Q.** BY **MS. DO:** All right. Sorry about that,
 21 Mr. Ray.
 22 So you went to this free seminar and you
 23 liked what you heard; correct?
 24 **A. Yes.**
 25 **Q.** Did you feel that what Mr. Ray and JRI

1 offered were useful, practical advice?
 2 **A. Yes.**
 3 **Q.** Useful, practical tools?
 4 **A. Yes.**
 5 **Q.** And so then you signed up and you went to
 6 several more events. And I think I counted about
 7 four more events before you attended the Spiritual
 8 Warrior in October of '09.
 9 **A. That sounds correct.**
 10 **Q.** Okay. And those were ones where you were
 11 a paying participant?
 12 **A. All of them. Yes.**
 13 **Q.** And you yourself, then, through the
 14 course of those events -- and I believe what I
 15 heard yesterday was over the course of these events
 16 you made great progress in your life. Those were
 17 your words; correct?
 18 **A. Yes.**
 19 **Q.** And so based upon your experience with
 20 JRI and Mr. Ray, you then actually came back for
 21 several more events to simply volunteer; correct?
 22 **A. Correct.**
 23 **Q.** And that was because you felt you had
 24 gotten benefit?
 25 **A. Yes.**

1 **Q.** And you wanted to give back?
 2 **A. Yes.**
 3 **Q.** Would you agree with me that what you
 4 learned during these JRI seminars and from Mr. Ray
 5 were, basically, practical tools about how to take
 6 control of your life?
 7 **A. Yes. In fact, that's one of the reasons**
 8 **that I -- I sought him out. And I had -- before I**
 9 **discovered James Ray, I'd gone to some Tony Robbins**
 10 **seminars. And this was more practical than -- you**
 11 **know -- than I felt that Tony Robbins was.**
 12 **Q.** Okay. And so the jury knows, Tony
 13 Robbins is another individual who is a motivational
 14 speaker?
 15 **A. Correct.**
 16 **Q.** He's actually well known; is that
 17 correct?
 18 **A. Yes.**
 19 **Q.** And so you had gone to some of his
 20 seminars. How many?
 21 **A. Two.**
 22 **Q.** And then you went to Mr. Ray's, and you
 23 felt Mr. Ray's was more practical?
 24 **A. Yes.**
 25 **Q.** More useful?

1 A. Yes.

2 Q. Okay. And that was a choice that you
3 were able to make; correct?

4 A. Yes.

5 Q. Now, when you went to these various JRI
6 seminars, in addition to finding the tools to take
7 control of your life, did you also find that it
8 helped you network, meet successful people?

9 A. I met successful people. It was not for
10 the purpose of networking, though.

11 Q. Okay. It was sort of like a side
12 benefit?

13 A. Yes. There was -- you know -- as a
14 result of each of the events, we had the
15 opportunity to sign up for what he called a
16 "warrior team." And so -- it's a group of people
17 that -- you know -- seemed to get along or that
18 were actually paired up, had an opportunity to do
19 some postevent exercises to work on the material
20 that we learned.

21 Q. So it's, like, a study group kind of?

22 A. I wouldn't call it a study group. It
23 was -- it was -- a study group would imply that you
24 just kind of go and you -- you know -- read a book
25 or whatever.

1 This was -- we really pushed each other
2 to go -- you know -- to go after the things that we
3 wanted to have in our life.

4 Q. Okay. So let me try to understand this.
5 In addition to attending the seminars where Mr. Ray
6 spoke, you also broke out into -- and how many
7 people would be in this group?

8 A. It varied. It was usually six people.

9 Q. You would break out into a group of about
10 six people and on your own, independent of Mr. Ray,
11 you would try and apply those tools that you
12 learned; is that correct?

13 A. Not -- not completely correct.

14 Q. Please explain.

15 A. There was -- most events had a postevent
16 workbook or -- you know -- worksheet. In addition,
17 there was a coordinator, a James Ray International
18 coordinator, who helped coordinate the -- you
19 know -- the five to six weeks following the event.

20 So generally as a -- as a Dream Team
21 member, you had the opportunity to, in essence,
22 mentor that warrior team. That would be the --
23 there was directions from James Ray International
24 to help facilitate the -- the warrior group's
25 progress through that -- those following weeks.

1 Q. And you just said right now the
2 directions came from James Ray International;
3 correct?

4 A. Yes.

5 Q. And so you worked with other staff
6 members or Dream Team members from James Ray
7 International?

8 A. Yes. It was a staff member who was in
9 charge of all of the -- the -- the warrior teams
10 throughout the nation.

11 Q. Thank you.

12 What I'm trying to understand, then, is
13 this group that you work in, you're doing that --
14 Mr. Ray is not present; correct?

15 A. No.

16 Q. Okay. So -- and I imagine given the
17 hundreds of people who go to these seminars, you
18 have these various groups of six, they're working
19 on their own with JRI staff. Mr. Ray is not there;
20 correct?

21 A. Well, not -- not entirely correct. In
22 fact, on at least one of the postweekend events,
23 James Ray would -- would join a phone call with the
24 teams. So the teams would get on a phone call and
25 then James Ray would be present on that phone call.

1 Q. Okay. Other than that, then, he's not
2 present; is that right?

3 A. Correct.

4 Q. Now, I also take it that you enjoyed
5 these seminars in addition to finding the practical
6 useful benefits. Correct?

7 A. Yes. I -- they were very powerful. All
8 of the events were extremely powerful.

9 Q. All right. And without -- you know --
10 prying into your privacy, Mr. Ray, you said that
11 you made great progress in your life. Would that
12 include in your personal life?

13 A. Yes.

14 Q. In your professional life?

15 A. Yes.

16 Q. And I understand that you didn't go to
17 these events for the purpose of networking. But
18 you did meet successful people; correct?

19 A. Yes. I met people from -- that were
20 doctors -- you know -- even people that were
21 students who hadn't even gone out into the work
22 world yet.

23 Q. So people from all walks of life?

24 A. Correct.

25 Q. Different ages?

1 **A. Different ages. All different ages.**
 2 **Q.** Different ethnicities and backgrounds?
 3 **A. Yes.**
 4 **Q.** Different types of professions and work?
 5 **A. Yes.**
 6 **Q.** Would you characterize these people that
 7 you met as being strong thinkers?
 8 **A. Yes.**
 9 **Q.** Independent?
 10 **A. Yes.**
 11 **Q.** Not people that are easily controlled?
 12 **A. I wouldn't say that. Within the confines**
 13 **of the environment of the seminars, the seminars**
 14 **themselves are very controlled.**
 15 **Q.** Sure. But in terms of providing you with
 16 the tools to improve your life, you're the one
 17 doing the work; correct?
 18 **A. Yes.**
 19 **Q.** Mr. Ray is not doing it for you?
 20 **A. No.**
 21 **Q.** And that would be the same -- true for
 22 all the other participants; correct?
 23 **A. Correct.**
 24 **Q.** So it takes a bit of independence, a bit
 25 of -- you know -- free will, if you will, to apply

1 those tools; correct?
 2 **A. Yes.**
 3 **Q.** Now, over the two and a half, three
 4 years, you learned, I imagine, from these seminars
 5 the -- and I'm -- for lack of a better word, the
 6 philosophy that Mr. Ray was trying to teach or
 7 provide; correct?
 8 **A. Yes.**
 9 **Q.** And this is the philosophy that you
 10 embraced, that you took and you applied and got
 11 benefits?
 12 **A. Yes.**
 13 **Q.** I want to talk about that a little bit,
 14 not too much, but a little bit this morning.
 15 Yesterday, Ms. Polk played for you, I
 16 believe, about four audio clips. Correct?
 17 **A. Yes.**
 18 **Q.** And those audio clips were excerpts taken
 19 from what appeared to be the recording of the
 20 five-day retreat in Sedona; is that correct?
 21 **A. Yes.**
 22 **Q.** Now, Mr. Ray's talked a lot about life
 23 approaches, what you should do to take control of
 24 your life, in the various seminars, not the just
 25 Spiritual Warrior; correct?

1 **A. Yes.**
 2 **Q.** There's a lot of seminars, a lot of
 3 lectures, and a lot of discussions about Mr. Ray's
 4 philosophy over the two and a half, three years
 5 that you've gone to these events?
 6 **A. Yes.**
 7 **Q.** So the five day -- let's just take those
 8 five days -- is just a mere snapshot; correct?
 9 It's not a representative of everything you learned
 10 over the two and a half, three years; correct?
 11 **A. Correct.**
 12 **Q.** Now, let's focus on those five days. You
 13 had indicated to Ms. Polk that Mr. Ray spoke every
 14 day during those five days; correct?
 15 **A. Yes.**
 16 **Q.** You indicated that Mr. Ray spoke many
 17 times on each of those five days; correct?
 18 **A. Yes.**
 19 **Q.** There's a lot of discussions?
 20 **A. Yes.**
 21 **Q.** A lot of seminars?
 22 **A. Yes.**
 23 **Q.** And obviously you're human. It's 17
 24 months later. You're not expected to remember
 25 every single word that Mr. Ray spoke throughout

1 those five days; correct?
 2 **A. Correct.**
 3 **Q.** Now, I want to understand something.
 4 Those excerpts that were played for you yesterday,
 5 you didn't pick those excerpts; correct?
 6 **A. I did not.**
 7 **Q.** Ms. Polk or somebody from the county
 8 attorney's office selected those clips for you;
 9 correct?
 10 **A. I don't know who selected them.**
 11 **Q.** But they were selected for you?
 12 **A. Yes.**
 13 **Q.** Now, let me understand something. You
 14 came in and testified yesterday. And right before
 15 you took the stand, you testified to the jury those
 16 clips were played for you; correct?
 17 **A. Yes.**
 18 **Q.** And prior to hearing those clips, you
 19 didn't necessarily have an independent recollection
 20 of everything that was said; correct?
 21 **A. Everything that was said? Are you saying**
 22 **everything that was said the entire five days?**
 23 **Q.** Well, let's -- let's narrow it down with
 24 respect to those clips for example. It wasn't
 25 until you heard it that it helped jog your memory;

1 correct?

2 **A. Well, there was stuff that -- that I**
3 **recalled that was interesting because there's**
4 **things that he says that really stick in my mind.**

5 **Q. Sure.**

6 **A. And so -- you know -- there was one that**
7 **was really stuck in my mind. And when they -- when**
8 **they played it, it was -- you know -- it was one of**
9 **the ones that really rings in my mind all the time.**

10 **Q. Okay. And so it was that one clip or**
11 **more than one clip that really --**

12 **A. It was more than one clip.**

13 **Q. Okay. But they didn't give you the**
14 **opportunity and -- to listen to the five days of**
15 **recordings and tell them what particular seminar**
16 **discussion made an impact and was relevant to you;**
17 **correct?**

18 **A. No. Not exactly. Because -- you know --**
19 **there was chunks of -- of spoken material. There**
20 **was also large sections of time when we were on our**
21 **own. For example, when we were on the Vision**
22 **Quest -- you know -- that was 36 to 40 hours that**
23 **we're on our own.**

24 **There was time when we were**
25 **recapitulating, which was -- you know -- staying up**

1 **late, if not all night. So it was really large**
2 **chunks of time when we were on our own not**
3 **receiving any -- you know -- any instruction.**

4 **Q. I understand that. Let me try and -- and**
5 **I'm sorry if I phrased it poorly. During the five**
6 **days there were a lot of seminars and discussions**
7 **and open-mic sessions; correct?**

8 **A. Yes.**

9 **Q. And are you aware that there is a lot**
10 **more recording than the four clips that the state**
11 **selected for you to listen to yesterday?**

12 **A. Yes.**

13 **Q. And I don't know. It's countless hours**
14 **because it spans over five days; correct?**

15 **A. Yes.**

16 **Q. My question to you, sir, is that has the**
17 **state ever provided you with that full recording to**
18 **listen to?**

19 **A. No.**

20 **Q. You weren't given the opportunity to**
21 **listen to the five days until the state or**
22 **whomever -- hey. This particular seminar was**
23 **important to me that week or this one was not so**
24 **impactful. You didn't have that choice?**

25 **A. No.**

1 **Q. Okay. The excerpt that we listened to**
2 **yesterday that the state picked for you, one, for**
3 **example --**

4 **And, for the record, it's Exhibit 757 --**
5 **-- was about a Toltec tradition. Do you**
6 **recall that one?**

7 **A. Yes.**

8 **Q. And that one seemed to be all about -- if**
9 **you just listen to that clip, about death; correct?**

10 **A. Yes.**

11 **Q. And then there was another clip, and it**
12 **was Exhibit 760, that talked about impending death.**
13 **Do you remember that?**

14 **A. Yes.**

15 **Q. Okay. Now, were you ever given the**
16 **opportunity by the state to listen to those**
17 **excerpts with what began before it or around it in**
18 **order to understand and remember what the context**
19 **was?**

20 **A. No.**

21 **Q. Would you have liked that opportunity to**
22 **better understand what it was that you were going**
23 **to be testifying to?**

24 **A. Possibly.**

25 **Q. Okay. And you've explained to the jury**

1 **in direct examination, and we've heard evidence**
2 **elsewhere, that Mr. Ray's use of death during that**
3 **week was a metaphor; correct?**

4 **A. Yes.**

5 **Q. And it was a metaphor used to motivate or**
6 **to help people understand how to embrace life;**
7 **correct?**

8 **A. Yes.**

9 **Q. There wasn't something dark about the**
10 **metaphor of death; correct?**

11 **A. No. It was -- it was not.**

12 **Q. It was actually to help you understand**
13 **how to celebrate life; correct?**

14 **A. That's how I took it.**

15 **Q. All right. And so my question to you,**
16 **Mr. Ray, is that it seems like those excerpts**
17 **played yesterday would make it seem as if those**
18 **five days were all about death. That would not be**
19 **true; correct?**

20 **A. Well, it seemed like there was -- there**
21 **was definitely a death theme. And I think it**
22 **was -- the way it was to me, it was for me to**
23 **realize that -- that just like one of the clips**
24 **said, that I -- you know -- we don't have a whole**
25 **lot of time on this Earth. We need to make sure**

1 **that we make the best of the time that we have.**
 2 Q. Because life is precious?
 3 A. **For me, yes.**
 4 Q. And that's something that Mr. Ray
 5 actually said too; correct?
 6 A. **I don't recall hearing him say that --**
 7 **those particular words. I remember -- it's always**
 8 **directed towards us for our own -- you know -- how**
 9 **we want to live our life.**
 10 Q. Okay. We'll play an excerpt with more
 11 context, and I'll ask you if you heard Mr. Ray say
 12 that life is precious.
 13 But let me ask you this: There were
 14 times, were there not, throughout the week where
 15 Mr. Ray talked about love; correct?
 16 A. **Yes.**
 17 Q. Where he talked about joy?
 18 A. **Yes.**
 19 Q. Where he talked about happiness?
 20 A. **Yes.**
 21 Q. Where he talked about laughter in life;
 22 correct?
 23 A. **Yes.**
 24 Q. Embracing life; correct?
 25 A. **Yes.**

1 Q. There was a lot more discussed during
 2 that week than just death?
 3 A. **Yes.**
 4 Q. And, again, death was used as a metaphor
 5 to understand, to give you a way to think and a
 6 practical tool to get love, joy, happiness, and
 7 laughter in your life; correct?
 8 A. **Yes. In a sense, it had -- you know -- I**
 9 **had -- had me break the mindset that I have of just**
 10 **focusing on -- you know -- things that I'm -- I'm**
 11 **doing, focusing on just tasks and open my -- for me**
 12 **it was to open my vision up about -- you know --**
 13 **all aspects of my life.**
 14 Q. All right. And that was something you
 15 found powerful and positive; correct?
 16 A. **Yeah. That's why I remember the -- the**
 17 **clip from Mr. Shore because that -- that really**
 18 **moved me about how -- you know -- the depth that he**
 19 **went and how he wanted to -- he was planning on**
 20 **living his life.**
 21 Q. Embracing his life?
 22 A. **Yes.**
 23 Q. Looking toward the future?
 24 A. **Absolutely.**
 25 Q. Now, yesterday Ms. Polk played for you an

1 excerpt that was marked as Exhibit 757. And that's
 2 the one about the Toltec tradition and death.
 3 I've already asked you, you weren't
 4 provided the opportunity to listen to that in a
 5 fuller context; correct?
 6 A. **Correct.**
 7 Q. Do you recall whether or not that excerpt
 8 was actually plucked from a discussion where
 9 Mr. Ray was talking about many other -- I guess the
 10 word is "pillars" of how to live your life?
 11 There's more than death in that particular
 12 discussion or seminar?
 13 A. **Yes.**
 14 Q. And do you recall what that discussion
 15 was, the fuller context was?
 16 A. **Not -- not exactly. No.**
 17 Q. Okay. Now, this morning Ms. Polk and I
 18 tried to coordinate with you so that you could hear
 19 these clips. They did play several clips for you;
 20 correct? Additional clips?
 21 A. **This morning?**
 22 Q. Yes.
 23 A. **No.**
 24 Q. Oh. That wasn't done?
 25 May I have a moment, Your Honor?

1 MS. POLK: I'll stipulate to the admission of
 2 these exhibits.
 3 MS. DO: Thank you, Ms. Polk.
 4 Your Honor, Ms. Polk kindly agreed to
 5 Exhibit 778. And I'd ask that that be moved into
 6 evidence.
 7 THE COURT: 778 is admitted by agreement.
 8 (Exhibit 778 admitted.)
 9 MS. POLK: Your Honor, the state does agree
 10 that the jury should hear this clip. But pursuant
 11 to 106, the state requests that the entire lecture
 12 on the five pillars of power be played.
 13 THE COURT: Anticipated it may be in
 14 accordance with the discussion.
 15 MS. DO: Thank you, Your Honor.
 16 Q. Mr. Ray, I'm going to provide you with
 17 what was said prior to the clip Ms. Polk played
 18 beginning with the Toltec tradition about death.
 19 Okay?
 20 A. **Okay.**
 21 Q. And then I'll ask you some questions
 22 about that afterward.
 23 MS. POLK: Counsel, may we have an exhibit
 24 number?
 25 MS. DO: Yes. Exhibit 778.

1 (Exhibit 778 played.)
 2 Q. BY MS. DO: That was about nine minutes.
 3 And, I'm sorry. It was a little bit of a long
 4 clip. But I wanted to provide you with what was
 5 said before.
 6 Did that help you put that discussion
 7 about death into context?
 8 A. Yes.
 9 Q. And so Mr. Ray began actually with saying
 10 to the group that you're going to be working on
 11 love and joy; correct?
 12 A. Yes.
 13 Q. And then in that clip that the jury just
 14 heard, you also heard Mr. Ray say to you, you got
 15 to do the work? I can't take you there, but I can
 16 show you the door?
 17 A. Yes.
 18 Q. And so that week -- you know -- similar
 19 to your other events with JRI, was about you taking
 20 control; correct?
 21 A. Yes.
 22 Q. And only you could do that for yourself;
 23 correct?
 24 A. Correct.
 25 Q. And then Mr. Ray also says -- you know --

1 you got to work to be happy, comfortable, and
 2 joyous in your life; correct?
 3 A. Yes.
 4 Q. Not just discussions about death?
 5 A. Yes.
 6 Q. And then at the end of that clip, did you
 7 hear Mr. Ray say, I believe one of his last
 8 sentences, because life is precious?
 9 A. Yes.
 10 Q. So let me ask you this, Mr. Ray, and then
 11 I'm going to move on from these clips: What you
 12 heard yesterday were four clips, about a minute or
 13 two each. Do you think that somebody who hasn't
 14 gone to these events like you have for two and a
 15 half to three years is going to understand what you
 16 got out of those JRI events from listening to one
 17 or two clips?
 18 MS. POLK: Objection. Speculation.
 19 THE COURT: Sustained.
 20 Q. BY MS. DO: Let me ask it this way: Do
 21 you think that that's a fair representation of what
 22 you learned and what you got from these JRI events?
 23 MS. POLK: Same objection, Judge.
 24 THE COURT: Overruled.
 25 THE WITNESS: Could you rephrase the question?

1 Q. BY MS. DO: Sure. Yesterday -- let me
 2 add a few more questions to this. Obviously none
 3 of us, none of us in this courtroom, have attended
 4 these JRI events. You have; correct?
 5 A. Yes.
 6 Q. And you did that over the course of two
 7 and a half to three years; correct?
 8 A. Yes.
 9 Q. And I'm sure in addition to going to
 10 these events, you also picked up books?
 11 A. Yes.
 12 Q. My question to you, Mr. Ray, is that do
 13 you think that listening to four audio clips, one
 14 to two minutes each, plucked out of five days of
 15 one retreat, is a fair representation of what
 16 you've learned as an individual from these JRI
 17 events?
 18 MS. POLK: Your Honor, objection. It
 19 mischaracterizes the events that surrounded the
 20 playing of the audio.
 21 THE COURT: Sustained.
 22 Q. BY MS. DO: My question to you, Mr. Ray,
 23 is, listening to those four clips, however short
 24 they are, does that fairly represent what you've
 25 learned over the two and a half, three years of

1 going to the six or so JRI events?
 2 MS. POLK: Your Honor, objection. It
 3 mischaracterizes the events that have occurred
 4 surrounding the state's desire to play the audio.
 5 MS. DO: That's not what I'm asking the
 6 witness.
 7 THE COURT: Overruled.
 8 You may answer that if you can.
 9 THE WITNESS: I don't think it characterizes
 10 everything that I've -- all of the experiences I've
 11 had and everything that I've learned over the
 12 course of the time that I've been attending the
 13 events.
 14 Q. BY MS. DO: Thank you, Mr. Ray. Ms. Polk
 15 asked you questions specific to the Spiritual
 16 Warrior Retreat, what was the purpose of that
 17 retreat. Do you remember those questions
 18 yesterday?
 19 A. Yes.
 20 Q. And if I captured your words correctly,
 21 you said that the Spiritual Warrior was about,
 22 quote, unquote, how to improve your life, be more
 23 successful?
 24 A. Correct.
 25 Q. And that it was a way to help you live

1 more outside the way you normally feel and act?

2 **A. Yes.**

3 **Q.** Basically, color outside the lines;
4 correct?

5 **A. I don't know if that's a good way to put**
6 **it. I wanted to challenge myself to be better in**
7 **my life.**

8 **Q.** To push you to make your own boundaries;
9 correct?

10 **A. For me it was to challenge my boundaries,**
11 **not necessarily make my own because -- you know --**
12 **for me I think one of the reasons I went was**
13 **because I had self-imposed boundaries that were**
14 **preventing me from being more successful in my**
15 **life.**

16 **Q.** Okay. And so -- but again, those
17 boundaries are not boundaries that Mr. Ray tells
18 you you have. Those are boundaries that you
19 identify; correct?

20 **A. Yes.**

21 **Q.** And those are boundaries that you choose
22 to exceed; correct?

23 **A. Yes.**

24 **Q.** Now, the last clip I'm going to play for
25 you, and it's a very short one --

1 Exhibit 780, Your Honor. And Ms. Polk
2 has kindly agreed to it. May I move it into
3 evidence?

4 THE COURT: 780 is admitted.

5 (Exhibit 780 admitted.)

6 (Exhibit 780 played.)

7 **Q.** BY MS. DO: Do you recognize that, first
8 of all, as being Mr. Ray's voice?

9 **A. Yes.**

10 **Q.** And you recognize that as something he
11 has said on many occasions, that you drive your own
12 bus?

13 **A. Yes. That -- that -- the clip that you**
14 **just played is part of a large lecture that he has**
15 **that has many different levels.**

16 **Q.** Okay. And the meaning or the message in
17 that particular discussion is what we've already
18 talked about, right, Mr. Ray? You're in control of
19 your life?

20 **A. Yes.**

21 **Q.** Now, if I may, I'd like to ask you a
22 little bit more about your background. Yesterday
23 you told us that you are -- you have been a
24 marathon runner; correct?

25 **A. Yes.**

1 **Q.** I understand you also lift weights.

2 **A. Yes.**

3 **Q.** And you're also a black belt in martial
4 arts?

5 **A. Yes.**

6 **Q.** You studied martial arts all your life,
7 if I understand correctly?

8 **A. Yes. Since I was little. Yes.**

9 **Q.** What age?

10 **A. Eight or 10 years old.**

11 **Q.** And you have a black belt; correct?

12 **A. Yes.**

13 **Q.** And if I understand, is that the highest
14 level of achievement?

15 **A. There's different levels, different**
16 **degrees of black belt.**

17 **Q.** Where are you?

18 **A. Third degree.**

19 **Q.** Is that good?

20 **A. It's -- it just is. There's -- there's**
21 **no good or bad. It's just a -- you know -- it's**
22 **level that -- you know -- that you reach.**

23 **Q.** Okay. So is it a further level of --
24 and, I'm sorry. I'm not familiar with martial
25 arts.

1 A further level of expertise?

2 **A. Yes.**

3 **Q.** Okay. And you've told me before, I
4 believe, it's American Freestyle that you're in?

5 **A. American Freestyle. Yes.**

6 **Q.** American Freestyle karate; correct?

7 **A. Correct.**

8 **Q.** And so if I understand American
9 Freestyle, it, basically, involves all kinds of
10 possible fight situations; correct?

11 **A. Yes.**

12 **Q.** Punching?

13 **A. Yes.**

14 **Q.** Kicking?

15 **A. Yes.**

16 **Q.** Joint locking?

17 **A. Yes.**

18 **Q.** Grappling moves?

19 **A. Yes.**

20 **Q.** Anything from long-range to close
21 fighting; correct?

22 **A. Yes.**

23 **Q.** And you have studied that since you were
24 a young boy. Did you have instructors and masters
25 throughout the years that you studied it?

1 A. Yes.
 2 Q. And have you competed?
 3 A. Yes.
 4 Q. It sounds very physically challenging.
 5 Is it?
 6 A. Yes.
 7 Q. Mentally challenging?
 8 A. Yes.
 9 Q. In the competitions or as you studied,
 10 have you ever been injured during fights?
 11 A. Yes.
 12 Q. During matches?
 13 A. Yes.
 14 Q. What kind of injuries? Serious to minor
 15 or --
 16 A. Minor.
 17 Q. All right.
 18 A. **Usually it's bumps and bruises. One of**
 19 **the things when you're competing with harder**
 20 **contact is you take a -- a lot of shots to the**
 21 **knees. So -- you know -- sometimes it can -- it**
 22 **bruises your knees.**
 23 Q. It can hurt?
 24 A. Yes.
 25 Q. And luckily you've only sustained minor

1 injuries. But it's an activity that you would
 2 expect there to be a high risk of injury; correct?
 3 A. Yes.
 4 Q. And in some cases perhaps even very
 5 serious injury that might lead to death?
 6 A. **In -- in a -- in a very rare instance.**
 7 **In -- in 20 years or more of competition, I never**
 8 **saw one serious injury in any of the competitions**
 9 **where I was at.**
 10 Q. Sure. It's a very rare instance. But
 11 it's a risk that you competing at this level are
 12 aware of?
 13 A. Yes.
 14 Q. Okay. Now, if I can ask you, when you've
 15 done these competitions, have you ever signed
 16 waivers and releases?
 17 A. **Initially, no. Nowadays everything seems**
 18 **to have a release of some sort or another.**
 19 Q. Okay. Like saying anything fun in life
 20 has a waiver or release?
 21 A. Right.
 22 Q. So you have done competitions without
 23 waivers and releases and then you have done
 24 competitions where you've signed them?
 25 A. Yes.

1 Q. Okay. Now, if I understand karate, the
 2 little study I've done of it, it's more than just
 3 about fighting, more than just about the sport. It
 4 actually involves a philosophy; correct?
 5 A. Yes.
 6 Q. Involves high ethical principles;
 7 correct?
 8 A. Yes.
 9 Q. It's about self-discipline?
 10 A. Yes.
 11 Q. Self-perfection?
 12 A. **I wouldn't say perfection. No.**
 13 Q. Okay. There's a spiritual quality to it;
 14 correct?
 15 A. Yes.
 16 Q. And so over the years that you've studied
 17 this, both as a sport and as a philosophy, I'm sure
 18 your various instructors have pushed you. Correct?
 19 A. Yes.
 20 Q. Pushed you through pain at times?
 21 A. Yes.
 22 Q. Pushed you through what you thought were
 23 your limits?
 24 A. Yes.
 25 Q. And competing in this type of activity,

1 you must have given it your all, your 100 percent;
 2 correct?
 3 A. Yes.
 4 Q. Playing it full on?
 5 A. Yes.
 6 Q. And that's something you learned from
 7 these other instructors or masters in your karate;
 8 correct?
 9 A. Yes.
 10 Q. You also indicated you've done two
 11 marathons and one triathlon; correct?
 12 A. **Yeah. I may have done more, but that's**
 13 **the ones that come to mind.**
 14 Q. Okay. And a marathon is 26 miles?
 15 A. **Correct. Approximately.**
 16 Q. Approximately. Also physically
 17 challenging?
 18 A. Yes.
 19 Q. Very mentally challenging?
 20 A. Yes.
 21 Q. And there have been times when you've run
 22 either your marathon, triathlon, or just long
 23 distance where you thought, I just can't go
 24 anymore; correct?
 25 A. **Correct.**

1 Q. You hit that 24 mile and you think, I
2 just can't just do it anymore?

3 A. Yes.

4 Q. And you, as an individual competing in
5 that sport, push yourself?

6 A. Yes.

7 Q. Have you also had trainers?

8 A. No -- well, in high school we had a
9 coach.

10 Q. And has your coach, in training you for
11 marathons or long-distance competitions, pushed
12 you?

13 A. Yes.

14 Q. Okay. You told the jury yesterday about
15 something that seems to be a term of art from
16 marathon runners perhaps, that there are times when
17 you get to the point where you think you've hit
18 that wall. Do you remember that?

19 A. Yes.

20 Q. And that's, basically -- for example, you
21 get to the 24 mile and you think, I just can't do
22 the last two?

23 A. Correct.

24 Q. And you push yourself through to make it
25 to that finish line; correct?

1 A. Sometimes. There's -- there's times,
2 then, in one of the events that I didn't complete
3 it. And -- you know -- I was -- I was sore, I was
4 tired. And I woke up the next day and I had regret
5 because I -- you know -- I wasn't sure I -- you
6 know -- I woke up the next day and said, why did I
7 quit? I might have been able to make it.

8 Q. So it's an instance where you wish you
9 had pushed yourself past that wall?

10 A. Yes.

11 Q. If I understand correctly also,
12 long-distance runners sometimes hit what's called a
13 "runner's high"?

14 A. Yes.

15 Q. What is that?

16 A. It's hard to describe. It's just --
17 it's -- it's a -- for me it almost becomes like
18 tunnel vision, whereas I -- the pain -- I don't
19 really feel the pain. I'm really focused on
20 breathing.

21 It's almost like a -- just a state where
22 I'm -- I'm -- I could just -- I'm really in touch
23 with -- you know -- my body and -- and I'm in a
24 rhythm. And it just -- time seems to just go -- go
25 by very quickly.

1 Q. Would you describe that as an altered
2 state?

3 A. Yeah. It could be.

4 Q. Okay. Now, you -- you were asked some
5 questions yesterday by Ms. Polk about whether you
6 expected there to be a sweat lodge at this seminar.

7 When you signed up for these various
8 events, I understood you do it -- you did it as a
9 package. Correct?

10 A. Yes.

11 Q. At some point you received from James Ray
12 International, the company, a packet of information
13 regarding the upcoming 2009 Spiritual Warrior
14 Retreat?

15 A. I can't recall if I received the 2009 one
16 because I -- I -- because I had a schedule conflict
17 that I was -- I was trying to transfer it to
18 someone else. And then I ended up going at the
19 very last minute.

20 So I don't recall if I received a packet
21 prior to going. Because everything was -- was
22 rushed at the last minute.

23 Q. Sure. Let me ask you this.

24 May I have one moment, Your Honor?

25 THE COURT: Yes.

1 Q. BY MS. DO: I'm going to hand you what's
2 been marked Exhibit 736. It's been admitted into
3 evidence, Mr. Ray.

4 May I approach, Your Honor?

5 THE COURT: Yes.

6 Q. BY MS. DO: Take a moment, if you will,
7 and tell me if you recognize that document.

8 A. Yes.

9 Q. All right. And what I handed you,
10 Mr. Ray, is a multiple-page document called
11 "Spiritual Warrior Participant Guide"; correct?

12 A. Yes.

13 Q. And you said you recognize it. Is it a
14 packet of information that you received at some
15 point in time before attending the event in Sedona?

16 A. It looks like something I received right
17 before I left to -- to drive there. Like I said, I
18 was trying to -- I was trying to transfer my seat
19 in the event to someone else. At the last minute
20 it became apparent I -- I was not going to be able
21 to do that. So I -- so everything was rushed at
22 the last minute.

23 Q. Okay. I understand that. I appreciate
24 that. The guide that you did receive before you
25 drove out to Sedona, after reviewing it just now,

1 did include copies -- advance copies of the waivers
2 that you ultimately signed; correct?

3 **A. Yes.**

4 MS. DO: Your Honor, Ms. Polk kindly
5 stipulated to Exhibit 211 and 212.

6 THE COURT: Exhibits 211 and 212 are admitted.
7 (Exhibits 211 and 212 admitted.)

8 **Q.** BY MS. DO: Mr. Ray, I'm going to hand
9 you 211 and 212. And would you please tell me if
10 you recognize those two documents to be the waivers
11 that were sent to you before you drove out to
12 Sedona that you then signed when you arrived.

13 **A. These look like the ones that I signed**
14 **when I arrived. But I didn't look at the ones**
15 **prior to; so I don't know if they're the same or**
16 **different.**

17 **I couldn't -- I didn't read the ones that**
18 **were sent to me before. I just, basically, ripped**
19 **out the -- I just printed the list of required**
20 **items and the directions. So I don't know if**
21 **they're the same or not.**

22 **Q.** That's okay. We'll -- I guess the jury
23 can compare that. Let me ask you this: Those are
24 your signatures; correct?

25 **A. Yes.**

1 MS. DO: May I publish 211, Your Honor?

2 THE COURT: Yes.

3 **Q.** BY MS. DO: This is 211 up on the screen,
4 Mr. Ray. It's also what you have in front of you;
5 correct?

6 **A. Yes.**

7 **Q.** And I'm going to go -- this is the first
8 page. It has your name; correct?

9 **A. Yes.**

10 **Q.** Going to the second page of this
11 exhibit -- now, I understand you were rushed and
12 you didn't get a chance to read it. Correct?

13 **A. No.**

14 **Q.** But it was provided to you so that you
15 could read it in advance; correct?

16 **A. Well, they just said just sign it because**
17 **we need to get you up to the -- to the hall to eat.**

18 **Q.** But the packet you got was given to you
19 before you drove out to Sedona?

20 **A. Yes.**

21 **Q.** And so -- I mean, not to cast any
22 aspersions on you, it would have been your
23 responsibility to have read the waivers; correct?

24 **A. Yes.**

25 **Q.** Now, looking at this particular document,

1 Exhibit 211, you would agree with me that it does
2 inform you that there would be, as I'm highlighting
3 on the screen here, a sweat lodge involving tight,
4 enclosed spaces and intense temperatures; correct?

5 **A. Yes.**

6 **Q.** Also tells you that there's going to be a
7 Vision Quest, a multiday, solitary, personal, and
8 spiritual quest in the wilderness without food or
9 water; correct?

10 **A. Yes.**

11 **Q.** And this waiver that you signed indicated
12 that you were fully aware that there are risks
13 inherent in these activities as there are in any
14 other activities you might engage in; correct?

15 **A. That's what the document says. Yes.**

16 **Q.** Okay. Now, you also told us yesterday
17 that you've been in a prior sweat lodge; is that
18 right?

19 **A. Yes.**

20 **Q.** And this is one that you'd done six or
21 seven years ago; right?

22 **A. Yes.**

23 **Q.** And it was an experience that you
24 actually didn't quite -- you didn't particularly
25 enjoy? You were uncomfortable with the space?

1 **A. Yes.**

2 **Q.** Are you claustrophobic?

3 **A. Not particularly. It was just -- because**
4 **I've been in closed-in spaces before. I -- it was**
5 **just something about the -- the -- the heat and**
6 **the -- the closed-in space on this one that I did**
7 **not like.**

8 **Q.** Okay. And so -- now, I understand with
9 you in particular you may not have read this waiver
10 thoroughly when you signed it. It does show that
11 you were going to possibly participate in a sweat
12 lodge; correct?

13 **A. Yeah. I didn't read it at all, not**
14 **thoroughly. I didn't read it at all.**

15 **Q.** Okay. I understand that. You said
16 yesterday to Ms. Polk, though, when she asked you
17 if you had an option to participate in the events
18 or activities that were offered during that week,
19 and your words were, I believe, everyone has --
20 everything is optional. Correct?

21 **A. Yes.**

22 **Q.** Everyone has a choice?

23 **A. Yes.**

24 **Q.** So in your particular situation you may
25 not have known months in advance that there was

1 going to be a sweat lodge ceremony. You were told
2 that there would be one prior to actually going in
3 one; right?

4 **A. Right before we went in, yes.**

5 **Q.** Okay. And using -- or going back to your
6 words, that was optional. You had a choice to not
7 go in. Correct?

8 **A. Yes, I did.**

9 **Q.** And you fully accept that?

10 **A. Yes.**

11 **Q.** And so you made that choice, that
12 conscious decision, having had this prior event --
13 prior experience with the sweat lodge where you
14 didn't particularly like it; correct?

15 **A. Yes.**

16 **Q.** Ms. Polk also asked you some questions
17 about medical screening or physical examination.
18 Do you remember that?

19 **A. Yes.**

20 **Q.** I want you to assume hypothetically that
21 you got to this event and that there was a medical
22 screening, a form for you to fill out. Okay?

23 If you had that form in front of you,
24 Mr. Ray, you would have written that you were a
25 very healthy person; correct?

1 **A. Yes.**

2 **Q.** Because you, in fact, are?

3 **A. Yes.**

4 **Q.** You would have written, if you had gotten
5 that medical screening, that you had no preexisting
6 medical conditions; correct?

7 **A. Yes.**

8 **Q.** Because you, in fact, did not?

9 **A. None that I was aware of.**

10 **Q.** You would have written, if you had been
11 given that form, that you're an athlete pretty much
12 all your life and that you stay in fairly good
13 shape; correct?

14 **A. Yes.**

15 **Q.** Because that's true?

16 **A. Yes.**

17 **Q.** If you had gotten a medical screening,
18 you would have written that you actually enjoy a
19 very active life, you're a very healthy person?

20 **A. Yes.**

21 **Q.** But unfortunately, despite the fact that
22 you enjoy good health, you still got sick at the
23 end of the sweat lodge ceremony; correct?

24 **A. Yes.**

25 **Q.** That required your hospitalization?

1 **A. Yes.**

2 **Q.** So even if you had filled out a medical
3 waiver, that would not have prevented you, for
4 whatever reason, out of the 55 people, of becoming
5 sick?

6 **A. No. It would not have.**

7 **Q.** I want to talk a little bit about your --
8 your illness that you suffered from the sweat lodge
9 ceremony. My understanding is that you were life
10 flighted out of the Angel Valley resort on
11 October 8. Correct?

12 **A. Yes.**

13 **Q.** You have no memory of that?

14 **A. No.**

15 **Q.** You were hospitalized for, I believe,
16 four days; is that correct?

17 **A. I think so. I'm not -- whether it was
18 four or five days, I'm not sure.**

19 **Q.** It's a blur?

20 **A. Yes.**

21 **Q.** So you're not sure if it's four or five
22 days?

23 **A. Correct.**

24 **Q.** Have you had a chance to review any
25 medical records regarding your hospitalization?

1 **A. Somewhat. Yes.**

2 **Q.** Do you know how many pages you reviewed?

3 **A. I don't know how many pages it was. Four
4 or five pages possibly.**

5 **Q.** Where did you get those four to five
6 pages?

7 **A. They gave them to me on my release.**

8 **Q.** Okay. Are you aware that you have many
9 more pages? Are you aware that there are, like,
10 close to 300 pages of your medical records?

11 **A. No.**

12 **Q.** The state's never provided you with those
13 records to review?

14 **A. No.**

15 **Q.** Now, yesterday Ms. Polk asked you whether
16 you got a toxicology screen done at the hospital?

17 **A. Yes.**

18 **Q.** And I assume that you know that you had a
19 toxicology screen done because -- do you know that
20 from the records you reviewed, those four to five
21 pages, or because a doctor told you?

22 **A. Both.**

23 **Q.** All right.

24 **A. That was -- that's one of the things I
25 remember seeing within that -- the pages that I was**

1 given.

2 Q. Are you aware, Mr. Ray, that that
3 toxicology screen performed on you at the hospital
4 was a screen for elicit drugs, like cocaine,
5 barbiturates, amphetamines?

6 A. It seems like it was -- yeah. That it
7 was -- had alcohol and -- and those types of
8 things.

9 Q. Do you know whether or not that that's a
10 common toxicology screen done in hospitals for
11 elicit drugs?

12 A. I don't -- I have no medical training, so
13 I don't know.

14 Q. Okay. So you wouldn't know whether or
15 not that toxicology screen Ms. Polk asked you about
16 would have screened you for toxins or poisons;
17 correct?

18 A. No, I would not.

19 Q. From those four to five pages that you
20 reviewed of your medical records, Mr. Ray, are you
21 aware that the ER doctor suspected that you were
22 poisoned when you first arrived to the ER?

23 A. No, I did not.

24 Q. And you haven't had an opportunity to
25 review the 300 or so pages of the rest of your

1 medical records; correct?

2 A. No.

3 Q. Would that shock you?

4 A. It would surprise me. It wouldn't shock
5 me. It would surprise me.

6 Q. All right. Are you aware from reviewing
7 this four or five pages or in speaking with your
8 doctors that the ER doctors actually consulted a
9 Dr. Boyer of Arizona Poison Control regarding your
10 admission that night?

11 A. I did not know that.

12 Q. Are you aware that there were ER doctors
13 that actually concluded that you did not have heat
14 stroke that night and upon your discharge?

15 MS. POLK: Objection. Mischaracterizes that
16 information, Your Honor.

17 THE COURT: Sustained.

18 Q. BY MS. DO: My question is are you aware?
19 Are you aware that there were ER doctors who
20 attended to you who concluded in their diagnosis
21 that you did not appear to have heat stroke?

22 MS. POLK: Same objection, Your Honor.

23 THE COURT: Sustained.

24 Q. BY MS. DO: Now -- so it's fair to say,
25 then, Mr. Ray, that because you haven't had a

1 chance to review the entirety of your record,
2 you're not in the best position today to tell this
3 jury what may or may not have happened to you;
4 correct?

5 A. Correct. And even if I had 300 pages, I
6 don't have medical training; so I would not be able
7 to -- you know -- the definition of medical
8 terms -- I would not be an expert to be able to
9 provide that kind of information.

10 Q. Certainly. And so someone else is going
11 to be better to testify about your toxicology
12 screen than you; correct?

13 A. Yes.

14 Q. Now, you did indicate that you have some
15 lingering effects or conditions that include head
16 ringing; correct?

17 A. Yes.

18 Q. Headaches?

19 A. Yes.

20 Q. No taste for food or smell?

21 A. Correct.

22 Q. And it's also affected your memory and
23 your recall, as you said; correct?

24 A. Yes.

25 Q. Now, let my diverge a little bit.

1 Ms. Polk asked you yesterday whether it was humid
2 inside the sweat lodge; correct?

3 A. Yes.

4 Q. And you said it was extremely humid?

5 A. Yes.

6 Q. And that's to be expected because there's
7 steam?

8 A. Yes.

9 Q. But it didn't prevent you from sweating
10 because you said, and I quote you, I didn't think
11 I'd sweat that much in my life. Is that correct?

12 A. Correct.

13 Q. So the humidity inside the sweat lodge
14 did not affect your ability to sweat?

15 A. It did not.

16 Q. In fact, you sweat profusely?

17 A. Yes.

18 Q. You described it as being you were all
19 wet; correct?

20 A. Yes.

21 Q. Ms. Polk also asked you about when you
22 went down to the sweat lodge site before going into
23 the structure, you burned your journal, your
24 recapitulations. Do you recall that?

25 A. Yes.

1 Q. Do you recall Ms. Polk asking you
2 questions about you being near the fire that you
3 used to burn -- that you threw your recapitulations
4 or journals into? Do you remember that line of
5 questioning?

6 A. Yes.

7 Q. Are you aware, Mr. Ray, that there were
8 actually two fires -- two fires at the site? Did
9 you know that?

10 A. I don't recall.

11 Q. All right. Let me show you some
12 pictures.

13 THE COURT: Excuse me, Ms. Do. I'd like to
14 take a morning recess at this time. So could we do
15 that? And mark your place there.

16 Ladies and gentlemen, please remember the
17 admonition. Please be back in the jury room in 15
18 minutes ready to start as soon as we can after
19 that.

20 We're going to take the recess. I'm
21 going to be here.

22 Ms. Rybar, I'd like you to come back.

23 Thank you.

24 (Recess.)

25 THE COURT: The record will show the presence

1 of the defendant, Mr. Ray, the attorneys, the jury.
2 And Mr. Stephen Ray has returned to the witness
3 stand.

4 Ms. Do.

5 MS. DO: Thank you, Your Honor.

6 Q. Mr. Ray, before we took that last recess,
7 I asked you a number of questions regarding your
8 medical records and your hospitalization; correct?

9 A. Yes.

10 Q. Okay. And you've indicated to this jury
11 that you have not had a chance to review the full
12 medical records from your hospitalization; correct?

13 A. Yes.

14 Q. I have here Exhibit 213.

15 Exhibit 213, Your Honor. And Ms. Polk
16 has kindly agreed. May I move it into evidence?

17 THE COURT: Yes. 213 is admitted.

18 (Exhibit 213 admitted.)

19 MS. DO: May I approach?

20 THE COURT: Yes.

21 MS. DO: Thank you.

22 Q. Mr. Ray, I'm going to show you what has
23 been marked as 213. And it's bound. It's pretty
24 voluminous. Do you see your name on there?

25 A. Yes.

1 Q. You can see that it's your name. They're
2 medical records from Flagstaff Medical Center;
3 correct?

4 A. Yes.

5 Q. Now, I'd like you to turn to the page
6 that I have tabbed, the first page.

7 And, Your Honor, may I publish 213?

8 THE COURT: Yes.

9 MS. DO: Thank you.

10 Q. All right. And I'm going to go to the
11 first page that I have tabbed there and ask you if
12 you --

13 Can I have one moment, Your Honor?

14 THE COURT: Yes you may.

15 (Pause in proceedings.)

16 Q. BY MS. DO: Are you looking at a page
17 that's Bates stamped at the bottom right corner
18 7095?

19 A. Yes.

20 Q. Okay. And I want to focus your attention
21 into the bottom of the document to the paragraph
22 that is No. 2. Do you see that right there?

23 A. Yes. The screen that I have up here on
24 the desk is unreadable.

25 Q. Okay. Let me -- let me see if I can

1 bring it up onto the big screen and zoom in to
2 that. Okay. I think that's the best I'm going to
3 get it.

4 Mr. Ray, are you able to see it now?

5 A. Yes.

6 Q. Okay. And do you read as I do that this
7 document -- this page, which -- by the way, if you
8 look at the top, is it dated October 11, 2009?

9 A. Yes.

10 Q. And that's three days after October 8;
11 correct?

12 A. Yes.

13 Q. And that would then be three days into
14 your hospitalization?

15 A. Yes.

16 Q. And this is the first time you've seen
17 these records?

18 A. Yes.

19 Q. And you would agree with me that on this
20 particular page at the top right there is a
21 doctor's name, Richard Neff, N-e-f-f?

22 A. Yes.

23 Q. And do you see where we are now focusing
24 on -- I apologize. The screen's a little small.
25 The patient does not appear to have had heat

1 stroke, and there is no evidence for carbon
2 monoxide poisoning. Correct?

3 **A. I see that. Yes.**

4 **Q.** Would you now, then, please turn to the
5 next page that I have tabbed. And would you tell
6 me whether you are looking at a page that is Bates
7 stamped at the bottom right corner as 7098.

8 **A. Yes.**

9 **Q.** Okay. And at the top of this document,
10 you would also see the date of October 10, 2009;
11 correct?

12 **A. Yes.**

13 **Q.** And that would, then, be two days or --
14 two days into your hospitalization; correct?

15 **A. Yes.**

16 **Q.** And you also see at the top right-hand
17 corner a name of a second doctor, a Dr. Kennedy;
18 correct?

19 **A. Yes.**

20 **Q.** Okay. Now, I'd like you to focus in on
21 paragraph 2 of this document dated October 10. And
22 again, with this second doctor you also see, the
23 patient does not appear to have had heat stroke;
24 correct?

25 **A. Yes.**

1 **Q.** And to complete the sentence, There is no
2 evidence for carbon monoxide poisoning. Correct?

3 **A. Well, it says carbon dioxide poisoning.**

4 **Q.** You read carbon dioxide, not monoxide?

5 **A. Oh. I'm sorry. In No. 2?**

6 **Q.** Yes. Oh. I see what you're saying.

7 Let's read this whole paragraph. Victim of mass
8 casualty incident involving the sweat lodge. There
9 were some concerns for, basically, anoxia or carbon
10 dioxide poisoning; correct?

11 **A. Yes.**

12 **Q.** The next sentence is, The patient does
13 not appear to have had heat stroke and there is no
14 evidence for carbon monoxide poisoning?

15 **A. Correct.**

16 **Q.** Okay. Have you also had a chance to
17 review the records from the Life Flight, the
18 helicopter that got you out of Angel Valley?

19 **A. No.**

20 MS. DO: Your Honor, I have Exhibit 214, and
21 Ms. Polk has stipulated. May I move that into
22 evidence?

23 THE COURT: Yes. 214 is admitted.

24 (Exhibit 214 admitted.)

25 MS. DO: Thank you.

1 **Q.** Approaching you again, Mr. Ray, with
2 Exhibit 214, do you recognize that four-page
3 double-sided document to be -- well, let me ask you
4 this: Do you see your name on there?

5 **A. Yes.**

6 **Q.** And that is from a Guardian Air service;
7 correct?

8 **A. Yes.**

9 MS. DO: May I publish the document, Your
10 Honor?

11 THE COURT: Yes.

12 MS. DO: Thank you.

13 **Q.** Okay. Now I'm going to ask you to take a
14 look at the second page, Bates stamped at the
15 bottom right corner 6996. Do you have that in
16 front of you, sir?

17 **A. Yes.**

18 **Q.** And I want you to focus in on this box
19 that says injury details. Do you see that?

20 **A. Yes.**

21 **Q.** Where it says "injury cause," do you see
22 accident poisoning, drug? Let me highlight that.
23 Do you see that, sir?

24 **A. Yes.**

25 **Q.** Okay. And then where it says mechanism,

1 it says chemical poisoning; correct?

2 **A. Yes.**

3 **Q.** Now, having reviewed these records, did
4 anyone tell you when you left the hospital,
5 whatever many days later, that you were suspected
6 of poisoning when you were admitted?

7 **A. They did not.**

8 **Q.** All right. Thank you very much, sir.

9 Let me now go back to the question that
10 we broke with, which was some questions I had about
11 the fire or the fires outside the sweat lodge
12 ceremony.

13 You indicated that you took your journals
14 and your writing down to the ceremony site and
15 everyone tore out the pages and through them into
16 this fire; correct?

17 **A. Yes.**

18 **Q.** And that was symbolic of letting go of
19 those black bags; correct?

20 **A. Yes.**

21 **Q.** Those emotional issues that people were
22 working on for that week?

23 **A. Yes.**

24 **Q.** When you went down to the site, do you
25 remember, when you were lining up to go into the

1 structure, that there was a fire going outside the
2 sweat lodge ceremony?

3 **A. Yes.**

4 MS. DO: Ms. Polk, are you going to stipulate
5 to these?

6 MS. POLK: Yes.

7 MS. DO: Your Honor, I have Exhibits 551, 448,
8 and 489 that Ms. Polk has agreed to. May I move
9 them into evidence?

10 THE COURT: Yes. 551, 448, and 449 are
11 admitted.

12 MS. DO: I'm sorry, Your Honor, if I misspoke.
13 It's 488, 489.

14 THE COURT: 488 and 489.

15 (Exhibits 551, 488, and 489 admitted.)

16 MS. DO: Thank you.

17 **Q.** I'm going to show you four photographs
18 that we've marked as 551, 448, and 489.

19 May I publish them, Your Honor?

20 THE COURT: Yes.

21 **Q.** BY MS. DO: I'm going to put up 551,
22 Mr. Ray. Do you recognize this to be the sweat
23 lodge structure?

24 **A. Yes.**

25 **Q.** And there is some folks outside posted at

1 various points around the structure. Do you see
2 that?

3 **A. Yes.**

4 **Q.** Do you recognize some or all of those
5 folks as being Dream Team members of that week?

6 **A. I recognize what looks to be two of them**
7 **as Dream Team members only because the photograph**
8 **isn't clear enough to see their face. However, the**
9 **Dream Teamers in many of the events wore blue**
10 **T-shirts. So that's the only reason I would think**
11 **that they were Dream Team members.**

12 **Q.** Okay. And thank you for that. So with
13 their blue shirts and the fact that they're also
14 posted outside, does that give you an indication
15 that they were volunteer Dream Team members for the
16 event?

17 **A. It would give me that indication.**

18 **Q.** Okay. And do you see the woman that's
19 sort of crouched in the yellow -- in the white tank
20 top?

21 **A. Yes.**

22 **Q.** Let me magnify that for the jury. Is she
23 posted right in front of the flap?

24 **A. That's what it -- it appears to be the**
25 **flap.**

1 **Q.** All right. And using this as an
2 indication, do you see the fire that's burning in
3 front of the sweat lodge structure?

4 **A. Yes.**

5 **Q.** Now, do you know -- and if you don't
6 that's fine. Do you know whether or not this fire
7 was used to heat up the rocks?

8 **A. I do not know.**

9 **Q.** All right. Now, if I could have you take
10 a look at 488.

11 And I'm publishing that, Your Honor.

12 THE COURT: Okay.

13 MS. DO: Thank you.

14 **Q.** Now, taking a look at this photograph,
15 488, you do see that the sheriffs have put up their
16 yellow crime scene tape; correct?

17 **A. Yes.**

18 **Q.** And so logic would tell you that this is
19 a photograph taken after October 8, 2009, when the
20 ceremony had already ended?

21 **A. Yes.**

22 **Q.** Now, using this same door to orient
23 yourself -- I'm going to magnify into that -- do
24 you see the door, the flap?

25 **A. Yes.**

1 **Q.** Then do you see now in front of the door
2 or the flap a pit with rocks in it and there's a
3 cooler in front of it?

4 **A. Yes.**

5 **Q.** Okay. Using this photo and comparing it
6 to the one that we just saw earlier, 551, does that
7 appear to you to be the same pit before and after?

8 **A. It appears to be.**

9 **Q.** Okay. Now, let me have you take a look
10 at 489, if you will.

11 Publishing that, Your Honor?

12 THE COURT: Okay.

13 MS. DO: Thank you.

14 **Q.** Do you see 489 up there?

15 **A. Yes.**

16 **Q.** Do you see a pile of various types of
17 wood in the background there?

18 **A. Yes.**

19 **Q.** Do you also see this location where there
20 seems to be something had burned there?

21 **A. Yes.**

22 **Q.** Does that seem to you to be a second
23 location where there had been some sort of fire?

24 **A. It looks like a burn mark. So it looks**
25 **like there may have been a fire there.**

1 Q. And, if you know, are -- do you know
2 whether or not there were two separate fires that
3 were maintained or created down at the site, one to
4 heat the rocks and one for you to burn your
5 journals?

6 A. I don't recall.

7 Q. All right. Now, let me move on and get
8 into the Spiritual Warrior retreat. You had told
9 us earlier that you knew that all the events during
10 this week, all the activities, were optional;
11 correct?

12 A. Yes.

13 Q. So you as an individual could choose
14 whether to participate; correct?

15 A. Yes.

16 Q. Or not?

17 A. Yes.

18 Q. And if you chose to participate, you also
19 as an individual could choose how intensely or how
20 hard you wanted to participate; correct?

21 A. Correct.

22 Q. You also could, as part of that choice,
23 choose to participate for how long you want in one
24 particular activity; correct?

25 A. Correct.

1 Q. So if at some moment you decide you don't
2 like it and you want to quit, you want to end your
3 participation, you have that choice; correct?

4 A. Yes.

5 Q. Or you could as an individual decide for
6 yourself that you want to participate completely
7 and finish whatever activity we're talking about;
8 correct?

9 A. Not necessarily. And the reason I say
10 that is for me, when I was in the sweat lodge,
11 there was a point which I wanted to quit and I
12 couldn't. So in that particular context I could
13 not.

14 Q. Completely understand. And we'll get
15 there.

16 A. Okay.

17 Q. And I'm sorry. I didn't mean to throw it
18 all in there. But, for example, the haircut;
19 right?

20 A. Yes.

21 Q. You had a choice to do that or not?

22 A. Yes.

23 Q. You had a choice to play in the Samurai
24 Game or not?

25 A. Yes.

1 Q. And you had a choice to go on the Vision
2 Quest or not --

3 A. Yes.

4 Q. -- correct? And with respect to the
5 sweat lodge, you had a choice to go in or not --

6 A. Yes.

7 Q. -- correct? And you also had a choice
8 when you were inside the sweat lodge -- and I
9 understand at some point you blacked out. Correct?

10 A. Yes.

11 Q. Before getting to that, because obviously
12 at that point you're not able to exercise your
13 choice. I understand that. But before that, for
14 example, round 1, you had a choice of staying in
15 for round 1 or leaving after; correct?

16 A. Yes.

17 Q. You had a choice of staying in round 2 or
18 leaving before it; correct?

19 A. Yes.

20 Q. You had a choice to stay in round 3 or
21 leaving before it; correct?

22 A. Yes.

23 Q. That was something that was entirely up
24 to you; correct?

25 A. Correct.

1 Q. So to the extent that -- before you
2 blacked out, you had control over when you left
3 during which round; correct?

4 A. As long as it was -- as long as the door
5 was open and it was in between rounds, yes.

6 Q. Okay. And I know that Ms. Polk asked you
7 some questions about the instructions that Mr. Ray
8 gave you during what we're calling the presweat
9 lodge orientation. And is it fair to say that
10 given that it's been some 17 months, you can't
11 recall everything that was said?

12 A. Correct.

13 Q. All right. And so you would agree with
14 me that the better, more accurate record of what
15 was said to the participants by Mr. Ray would be
16 the actual recording; correct?

17 A. Yes.

18 Q. And so if there's a conflict between your
19 memory and the recording, you would say the
20 recording is the best evidence?

21 A. Yes.

22 Q. Okay. So you understood that you were to
23 wait until a round was over when the flap was open
24 to exit; correct?

25 A. Yes.

1 Q. And do you recall whether or not Mr. Ray
2 explained that part of the reason for that was
3 because it was pitch dark inside the sweat lodge
4 ceremony when the flap was down?

5 A. I don't recall that.

6 Q. Okay. You're not disputing it? You just
7 don't recall?

8 A. Correct.

9 Q. Do you recall whether or not Mr. Ray said
10 that you should leave when the flap was opened
11 because when it's open, there's light and you can
12 see?

13 A. I don't recall that.

14 Q. You would agree with me that if you
15 wanted to leave -- let me ask you this question:
16 Was it pitch dark in the sweat lodge when the flap
17 was down?

18 A. Yes.

19 Q. And there were a lot of people in there?

20 A. Yes.

21 Q. Lots of legs?

22 A. Yes.

23 Q. Lots of arms?

24 A. Yes.

25 Q. Okay. And so you would have an easier

1 time, would you not, a safer time, exiting the
2 sweat lodge if the flap was open and there was
3 light?

4 A. Possibly, yes. Because you'd be able to
5 see.

6 Q. Okay. So when the flap was open, it was
7 open after every round; correct?

8 A. Yes.

9 Q. So by my count there were at least eight
10 times where the flap was up; correct?

11 A. I don't -- I don't recall the number.

12 Q. Okay. If there is eight rounds, that
13 would be true?

14 A. Yes.

15 Q. So when the flap is opened, you control
16 your decision of when to leave; correct?

17 A. Yes.

18 Q. Now, Ms. Polk asked you a number of
19 questions yesterday about Mr. Ray controlling the
20 number of rounds, the number of rocks; correct?

21 A. Yes.

22 Q. Now, do you know whether or not Mr. Ray,
23 in fact, built that sweat lodge structure?

24 A. I do not know that to be a fact.

25 Q. Do you know, in fact, whether or not

1 Mr. Ray controlled that fire that we saw earlier
2 and how long those rocks stayed in that fire?

3 A. No, I do not.

4 Q. Do you know whether or not Mr. Ray
5 controlled how hot those rocks got depending on how
6 long they were left in the fire?

7 A. No, I do not.

8 Q. Okay. But he was the one who would call
9 out when the round would end; correct?

10 A. Yes.

11 Q. And he would call out the number of rocks
12 that came in; correct?

13 A. Yes.

14 Q. So those aspects he did control; correct?

15 A. Yes.

16 Q. But you controlled when you left or when
17 you stayed?

18 A. Yes.

19 Q. When you got there the first day -- you
20 talked about this haircut. And you had described
21 it as -- previously as everyone had the opportunity
22 to cut their hair off; correct?

23 A. Yes.

24 Q. And so you viewed it as an invitation,
25 like any other activity, that you could decline?

1 A. Yes.

2 Q. And you understood from Mr. Ray's
3 description of why this was occurring, this
4 opportunity was being given, was so people could
5 think about vanity and their appearances?

6 A. I don't remember him saying -- phrasing
7 it that way. It was -- the context that I remember
8 it being framed in was that -- you know --
9 people -- some people have an unhealthy attachment
10 to appearance. I didn't hear him say the word
11 "vanity."

12 Q. Okay. Thank you for that clarification.
13 An unhealthy attachment to appearance, which is a
14 form of vanity; correct?

15 A. Yes.

16 Q. Okay. But he didn't use that word?

17 A. I don't recall him using that word.

18 Q. And when you got there, you did see that
19 some number of people chose to participate in that
20 activity and got their hair cut; correct?

21 A. Yes.

22 Q. And there were some number of people that
23 chose not to and declined to get their hair cut;
24 correct?

25 A. Yes.

1 Q. You were one of the some people who chose
2 to cut your hair that day?
3 A. Yes.
4 Q. And I don't know if this is true or not.
5 Did you get a Mohawk or did you --
6 A. **I think it was cut completely off --**
7 Q. Okay.
8 A. **-- as I can recall. Initially when I was**
9 **in the hospital, I thought that they had cut it off**
10 **at the hospital because at that point I didn't**
11 **remember that I had it cut off.**
12 Q. Okay. So when you woke up in the
13 hospital, you actually didn't even remember doing
14 the haircut; is that --
15 A. No.
16 Q. Okay. The reason why I'm asking about
17 the Mohawk is there was some reference. Is that
18 something that you were entertaining as a --
19 entertaining instead of getting your head shaved is
20 to get a Mohawk?
21 A. **Seemed like I was -- as they were doing**
22 **it, I was nervous and I nervously joked, oh -- you**
23 **know -- make it a Mohawk, or something like that.**
24 Q. Okay. And I understand from your
25 testimony and appreciate from your testimony that

1 this was actually a difficult thing for you to do.
2 A. **It was -- yes. It was a little bit**
3 **because I -- I -- I could project the teasing I**
4 **would get when I got home.**
5 Q. From your friends and family?
6 A. **Correct.**
7 Q. And so you were worried about what they
8 might think --
9 A. **Yes.**
10 Q. -- about your appearance, your new
11 appearance?
12 A. **Correct.**
13 Q. And so in a way, it made you think about
14 those unhealthy attachments to appearance; correct?
15 A. **Yes.**
16 Q. Made you think about vanity?
17 A. **Yes.**
18 Q. And that haircut that you got was on the
19 first day. And that would be Sunday, October 4;
20 correct?
21 A. **Yeah. I think it was the evening of**
22 **the -- of that -- that first day.**
23 Q. Five days or so before the sweat lodge
24 ceremony?
25 A. **Yes.**

1 Q. Now, let's move into the Samurai Game. I
2 understand that -- and the jury has heard a lot
3 about this. This is a game; right?
4 A. **Very intense game. Yes.**
5 Q. Okay. An intense game because people
6 brought their competitiveness to it; correct?
7 A. **Yes.**
8 Q. You consider yourself a competitive
9 person?
10 A. **Yes.**
11 Q. There are a lot of other people who -- do
12 you know a guy named Mike Olesen?
13 A. **No, I do not. I don't know that name.**
14 Q. Name sound familiar?
15 A. **Name does not sound familiar.**
16 Q. Okay. So you get to Samurai Game, which
17 was played, I believe, on Tuesday. Is that
18 correct?
19 A. **I don't remember which day it was.**
20 Q. Okay. The exact order is a blur?
21 A. **Correct.**
22 Q. And that relates back to the memory issue
23 that you're having?
24 A. **No. A lot of the events are like that.**
25 **I've done other events where -- you know -- they**

1 **were a week in length and -- and there's -- where**
2 **challenging exercises we did and I -- you know --**
3 **thinking back, I don't know -- I wouldn't be able**
4 **to tell you exactly which order they were in even**
5 **before this happened.**
6 Q. Okay. When you woke up in the hospital,
7 had you remembered that you played the Samurai
8 Game?
9 A. **In the hospital my memory was -- I**
10 **probably would not have remembered it in the**
11 **hospital.**
12 Q. All right. And so this game -- and I'm
13 going to get through this quickly. You divide up
14 into two teams; correct?
15 A. **Yes.**
16 Q. And then each team picks their leader;
17 correct?
18 A. **Yes.**
19 Q. And the leader is called the "domeo"?
20 A. **Yes.**
21 Q. And that's, basically, some reference to
22 the samurai culture; correct?
23 A. **Yes.**
24 Q. And then there are ninjas?
25 A. **Yes.**

- 1 Q. There are priests?
- 2 A. Yes.
- 3 Q. There are sentries?
- 4 A. Yes.
- 5 Q. And sentries are, like, considered the
- 6 guard; correct?
- 7 A. Yes.
- 8 Q. And then Mr. Ray also played a character,
- 9 a role, and that would be God?
- 10 A. Yes.
- 11 Q. And everyone -- or let me just ask you.
- 12 You understood that these were all pretend roles;
- 13 correct?
- 14 A. Yes.
- 15 Q. No one actually thought they were a
- 16 domeo?
- 17 A. Well, they -- they understood that they
- 18 were the leader of -- of their particular team.
- 19 Q. Right.
- 20 A. So yes. It was a role that they were
- 21 playing.
- 22 Q. Thank you. And the participants that
- 23 were divided up into these two teams were call the
- 24 "warriors"; correct?
- 25 A. Yes.

- 1 Q. And you talked about a challenge that you
- 2 played, and that was the one where you held up
- 3 books; correct?
- 4 A. Yes.
- 5 Q. There were a number of challenges in the
- 6 game, though?
- 7 A. Yes.
- 8 Q. They were called as "battles"?
- 9 A. Yes.
- 10 Q. And some of them that you talked about
- 11 was an egg on a spoon?
- 12 A. Yes.
- 13 Q. Can you tell the jury what that is.
- 14 A. I can't remember the exact rules for --
- 15 it was holding an egg on a spoon. I don't know if
- 16 it was almost like a relay where you had an egg on
- 17 the spoon and then you -- and did, like, a relay
- 18 race. I can't recall the exact rules around that
- 19 particular battle.
- 20 Q. And whoever dropped the egg first lost?
- 21 A. Correct.
- 22 Q. And if you lost, then a team member would
- 23 be killed off?
- 24 A. Yes.
- 25 Q. Pretend?

- 1 A. Yes.
- 2 Q. Okay. So in my mind, I'm thinking that
- 3 seems kinds of silly. But you're saying it was
- 4 intense because people brought their
- 5 competitiveness to it?
- 6 A. Yes.
- 7 Q. Another game that you talked about was
- 8 drinking a glass of water. First one to drink it
- 9 wins; correct?
- 10 A. Yes.
- 11 Q. Another one is balancing on one foot?
- 12 A. Yes.
- 13 Q. Is that like -- it's called a "silver
- 14 crane" I think?
- 15 A. Yes. It's a lot of different names for
- 16 it, but if -- if you think back to The Karate Kid
- 17 that would be the best -- one of the -- a way that
- 18 it looks.
- 19 Q. Okay. Now, the one that you did was
- 20 holding the books. Now, you didn't volunteer for
- 21 that. Your team selected you as the, quote,
- 22 unquote, warrior to go into that battle; correct?
- 23 A. Yes.
- 24 Q. So your team selected you?
- 25 A. Yes.

- 1 Q. And you went off against another team
- 2 member from the other side; correct?
- 3 A. Yes.
- 4 Q. And you unfortunately lost.
- 5 A. Yes.
- 6 Q. And you, I believe, said that you were
- 7 one of the last persons left in the game?
- 8 A. Yes. There wasn't very many people left.
- 9 Q. So a lot of people -- and I think there
- 10 were 55 or more participants of the week. A lot of
- 11 those people you're saying got eliminated during
- 12 the game; correct?
- 13 A. Yes.
- 14 Q. And when you get eliminated, Mr. Ray,
- 15 playing the God character, tells you your dead?
- 16 A. He -- yeah. He says die.
- 17 Q. Okay. And that person, then, has to take
- 18 a position on the floor?
- 19 A. Yeah. You're supposed to immediately
- 20 fall onto the ground.
- 21 Q. Okay. So a lot of folks, not just one or
- 22 two or three people, were designated as dead in
- 23 this game?
- 24 A. Yes.
- 25 Q. Okay. Now, you said you pulled a little

1 something in your shoulder doing this?
 2 **A. Yes.**
 3 **Q.** You know, you've taken punches and kicks
 4 in karate. Where would you put this in terms of
 5 injury? Minor?
 6 **A. Minor injury.**
 7 **Q.** Okay. Was it --
 8 **A. Just -- I mean, it was just enough that I**
 9 **couldn't hold the books up any more.**
 10 **Q.** Okay. And then that ended the game;
 11 correct?
 12 **A. No. It ended the game for me.**
 13 **Q.** For you?
 14 **A. Yes.**
 15 **Q.** Okay. Let's move out of the Samurai
 16 Game. Let's talk about Vision Quest.
 17 The Vision Quest, then, followed that
 18 night after the Samurai Game finished; correct?
 19 **A. I think so.**
 20 **Q.** And you were taken out to your spot by a
 21 Dream Team member --
 22 **A. Yes.**
 23 **Q.** -- that night; correct?
 24 **A. Yes.**
 25 **Q.** And then the -- 36 hours later on the

1 morning of Thursday, October 8, a Dream Team
 2 member, maybe the same one, went out to pick you
 3 up; correct?
 4 **A. Yes.**
 5 **Q.** So at least that person knew where you
 6 were at all times?
 7 **A. Yes.**
 8 **Q.** Did you know -- and if you don't, that's
 9 fine -- whether or not those spots on the Vision
 10 Quest were mapped out by Amayra Hamilton?
 11 **A. I do not know.**
 12 **Q.** When you were out there -- originally
 13 when you walked out, it was dark; correct?
 14 **A. Yes.**
 15 **Q.** At some point when you walked back and it
 16 was daylight, you realized that you were never that
 17 far from the resort; correct?
 18 **A. Well, I knew that on the way out**
 19 **because --**
 20 **Q.** Oh.
 21 **A. -- just the amount of time that it took.**
 22 **You know, the buildup to it, it was -- it sounded**
 23 **like, oh. You're going to be put out in the middle**
 24 **of the desert. So -- you know -- at first my**
 25 **expectation was that we were going to drive -- jump**

1 **in a truck and we're going to be put in the middle**
 2 **of nowhere. And then when we went out, it was --**
 3 **it was a very -- it wasn't a very long walk to**
 4 **where we actually ended up.**
 5 **Q.** About a half mile to three quarters?
 6 **A. I couldn't estimate the exact distance.**
 7 **But it was not very far.**
 8 **Q.** Did you find that kind of true of this
 9 event or other events where the James Ray
 10 International staff or Mr. Ray kind of staged these
 11 events, built it up as being really challenging and
 12 then, like the Vision Quest, you realized you were
 13 never that far out?
 14 **A. No. I wouldn't say that at all. Some of**
 15 **the events and some of the activity that I did at**
 16 **some of the events were incredibly intense. In one**
 17 **of the events we walked on fire, walked on hot**
 18 **coals. To me that was very intense.**
 19 **One of the events, there was an exercise**
 20 **some people call "ropes course," where they put you**
 21 **in a harness, you climb a tree up to -- I don't**
 22 **know how high it was. 60 or 80 feet. And you go**
 23 **out onto a little tiny platform and you have to**
 24 **jump out 10 to 15 feet and grab a ring.**
 25 **It was unbelievably intense. I wouldn't**

1 **say it was -- you know -- sometimes I think that**
 2 **there were -- you know -- they were very intense.**
 3 **Q.** And that certainly does sound intense.
 4 You've done those events and you -- you
 5 successfully completed those events; correct?
 6 **A. Yeah. And that was one of the -- that**
 7 **was one of the parts that -- you know -- helped me**
 8 **build trust with Mr. Ray. Because -- you know --**
 9 **it seemed like -- as the events progressed the --**
 10 **the activities got more and more intense.**
 11 **The first event, the Harmonic Wealth --**
 12 **you know -- the first -- one of the very first**
 13 **things we were going to do is to turn and hug three**
 14 **people that we didn't know. For me that was**
 15 **uncomfortable. I don't go around hugging people I**
 16 **didn't know.**
 17 **Q.** Right.
 18 **A. And so each event --**
 19 **Q.** And that got you out of your comfort
 20 zone?
 21 **A. Yes. And so each event they get -- it**
 22 **was more and more intense. And I completed all of**
 23 **them. And it just -- it really helped me to build**
 24 **trust that -- you know -- about what the**
 25 **organization was about.**

1 Q. Okay. Let's just talk a little bit about
2 that. Because you -- I want to make sure I
3 understand it.

4 When you do these various events,
5 obviously you're the one doing the work; correct?

6 A. Yes.

7 Q. It's not Mr. Ray walking that rope for
8 you; correct?

9 A. Correct.

10 Q. Which you did?

11 A. Yes.

12 Q. Without any incident; correct?

13 A. Yes.

14 Q. And then the fire walking one. That
15 sounds really kind of crazy and intense. But you
16 did it; correct?

17 A. Yes.

18 Q. Your work?

19 A. Yes.

20 Q. Not Mr. Ray?

21 A. Yes.

22 Q. So over time did you build -- I
23 understand you had a trust with Mr. Ray. But did
24 you also build a trust and confidence in your
25 abilities?

1 A. It was both. It was both my ability and
2 that -- that he really knew what he was doing
3 because -- you know -- because I didn't get hurt
4 doing the activities that -- that we were
5 challenged to do.

6 Q. Okay. But you understood that there were
7 risks?

8 A. Yes.

9 Q. Okay. And so you were challenging
10 yourself to go beyond your boundaries, as you
11 define them; correct?

12 A. Yes.

13 Q. Okay. Now, let me go back to the Vision
14 Quest. Unlike the other ones you just talked
15 about, that was one where you actually went out
16 there and you thought this was kind of Mickey
17 Mouse; correct?

18 A. No. I thought it was -- I thought it was
19 great.

20 Q. I'm sorry. I don't mean to put words in
21 your mouth --

22 MS. POLK: Your Honor, could the witness be
23 allowed to finish the question before Ms. Do --

24 THE COURT: It just actually called for a yes
25 or no originally so --

1 MS. DO: Yeah.

2 THE COURT: -- if you can answer the question
3 with a yes or no, great. Please do so. If you
4 can't answer yes or no, you need let people know
5 that too.

6 THE WITNESS: Sure.

7 No. I didn't think it was Mickey Mouse.

8 Q. BY MS. DO: And, I'm sorry. I'm don't
9 mean to put words in your mouth. I guess I'm just
10 trying to understand your words.

11 What you meant is that it was built up
12 like you were going to be put out in the middle of
13 nowhere; correct?

14 A. Yes.

15 Q. And then it turned out you weren't. You
16 were actually quite close?

17 A. Yes.

18 Q. Now, let's talk about your experience.
19 You actually found the Vision Quest to be a good
20 experience for you?

21 A. Yes.

22 Q. In fact, you said for you it was fine?

23 A. Yes.

24 Q. Because you describe yourself as, I
25 think, a lone wolf?

1 A. Yes.

2 Q. You like the solitude?

3 A. Yes.

4 Q. And so for you that particular experience
5 was somewhat profound, it was meditative?

6 A. Yes.

7 Q. Ms. Polk asked you yesterday a question.
8 Had you known that a sweat lodge was going to
9 follow the Vision Quest, what would you have done
10 with regards to your fasting? Do you remember that
11 question?

12 A. Yes.

13 Q. And I believe your answer was, had you
14 known a sweat lodge was going to follow the Vision
15 Quest, you would have thought, in hindsight, that
16 it was rather stupid to go without food and water.
17 Correct?

18 A. Yes.

19 Q. Now, I'm just curious. And if you don't
20 know, that's fine. Are you aware of whether or not
21 in many Native American traditions that Vision
22 Quest with fasting precede a sweat lodge ceremony?

23 A. I did not know that.

24 MS. POLK: Judge, objection. Assumes facts
25 not in evidence.

1 THE COURT: It was asked.
 2 As to form, I sustain the objection --
 3 MS. POLK: Okay.
 4 THE COURT: -- because of the form of the
 5 question.
 6 Q. BY MS. DO: Mr. Ray, I'm not saying it's
 7 true or not. I'm asking if you are aware. Are you
 8 aware of whether or not in -- in other traditions,
 9 whatever they are, that a Vision Quest precedes a
 10 sweat lodge ceremony?
 11 MS. POLK: Your Honor, same objection. And
 12 not relevant.
 13 THE COURT: Overruled.
 14 You may answer that if you know.
 15 THE WITNESS: I'm not aware of that.
 16 Q. BY MS. DO: Okay. Let's move on.
 17 You were interviewed on October 29, 2009,
 18 by Detective Shonna Willingham?
 19 A. Yes.
 20 Q. By telephone?
 21 A. Yes.
 22 Q. You had a chance to review that
 23 transcript?
 24 A. Yes.
 25 Q. Now, she -- let me ask you this: When

1 you came back from the Vision Quest before going to
 2 the sweat lodge, you, in fact, did not feel
 3 dehydrated; correct?
 4 A. I did not.
 5 Q. And that was even after 36 hours of
 6 fasting; is that right?
 7 A. Well, I'm not sure what dehydration feels
 8 like. So I -- I -- I would have to say I don't
 9 know.
 10 Q. In your understanding, whatever you mean,
 11 you did not feel dehydrated; correct?
 12 A. No.
 13 Q. And part of that was because all
 14 throughout the week, from day one Mr. Ray and the
 15 JRI staff said hydrate, hydrate, hydrate?
 16 A. Yes.
 17 Q. And you drank water constantly --
 18 A. Yes.
 19 Q. -- correct? And they also gave you a bag
 20 of sea salt to take a little bit each day to retain
 21 water?
 22 A. We were -- as I recall, we were to take a
 23 heaping teaspoon every day.
 24 Q. Thank you. And you did; correct?
 25 A. Yes.

1 Q. In addition to hydrating, hydrating,
 2 hydrating?
 3 A. Yes.
 4 Q. You -- in fact, when you went into the
 5 sweat lodge ceremony, you, quote, unquote, felt
 6 great --
 7 A. Yes.
 8 Q. -- is that correct? Now, let's go to the
 9 sweat lodge ceremony. You have this presweat lodge
 10 orientation that occurs on October 8, 2009, after
 11 you come back from the Vision Quest; correct?
 12 A. I think so. Again, the order of stuff --
 13 I don't know the exact order.
 14 Q. Okay. A little blurry?
 15 A. Yes.
 16 Q. Now, let me ask you this: Hindsight is
 17 20/20. You told Ms. Polk that if you had known a
 18 sweat lodge was going to follow the Vision Quest,
 19 that might have changed or altered your conduct;
 20 correct?
 21 A. Yes.
 22 Q. So when you came back from the Vision
 23 Quest, it was, like, 6:00 a.m., sunrise; correct?
 24 A. Yeah. I didn't have a watch; so I don't
 25 know what time it was.

1 Q. Okay.
 2 A. It was around sunrise.
 3 Q. Around sunrise. You were brought back.
 4 You were allowed to change. You had breakfast;
 5 correct?
 6 A. Yes.
 7 Q. You hydrated some more?
 8 A. Yes.
 9 Q. And then you met down at Crystal Hall for
 10 what they called an "open-mic session"?
 11 A. Yes.
 12 Q. And at some point during that open-mic
 13 session, Mr. Ray then began to talk about the sweat
 14 lodge ceremony; correct?
 15 A. Yes.
 16 Q. Now, exercising that everything is
 17 optional, people have a choice, at that moment in
 18 time if you had thought, I don't want to do a sweat
 19 lodge following a Vision Quest, you could have
 20 fully exercised that choice; correct?
 21 A. Yes.
 22 Q. And you could have not gone into the
 23 sweat lodge ceremony?
 24 A. Correct.
 25 Q. Are you aware that there was -- let me

1 ask you this: Do you know an individual who
 2 attended named Elsa Hefstad?
 3 **A. No, I do not.**
 4 **Q.** Did you meet someone from Norway?
 5 **A. No. I don't recall meeting anyone from**
 6 **Norway.**
 7 **Q.** Okay. Did you ever become aware, during
 8 this orientation where Mr. Ray described the
 9 ceremony, that someone, in fact, exercised that
 10 choice to not go into the sweat lodge?
 11 **A. No, I did not.**
 12 **Q.** But you knew you had that choice;
 13 correct?
 14 **A. Yes.**
 15 **Q.** Now, I understand that at some point you,
 16 basically, lost -- what's the word I'm looking for?
 17 At some point you believe you blacked
 18 out; correct?
 19 **A. Correct.**
 20 **Q.** Your memory stops at some point?
 21 **A. Yes.**
 22 **Q.** And so you're not even sure how many
 23 rounds you completed; correct?
 24 **A. I do not.**
 25 **Q.** You're not sure if you completed all

1 eight rounds?
 2 **A. I am not.**
 3 **Q.** Or six rounds?
 4 **A. Correct.**
 5 **Q.** Or five rounds?
 6 **A. Correct.**
 7 **Q.** Or four rounds?
 8 **A. I'm pretty sure I -- I completed at least**
 9 **four rounds, possibly five. As I remember -- like,**
 10 **I remember thinking in my head, okay. We got one**
 11 **down, and now we got two down, and we got three**
 12 **down. And now there's -- you know -- so I -- I**
 13 **remember getting quite a way through.**
 14 **Q.** Okay. So to some certainty or some
 15 extent, you're confident you went through round 1,
 16 round 2, round 3?
 17 **A. Yes.**
 18 **Q.** And then round 4?
 19 **A. Yes.**
 20 **Q.** But when we get 5, 6, 7, 8, you're just
 21 not sure?
 22 **A. Yeah. It seems like it was the real late**
 23 **rounds, whether it was 7 or 8, because it just -- I**
 24 **just remember -- you know -- it opening and --**
 25 **Q.** Sure.

1 **A. I just don't know the exact number.**
 2 **Q.** And so you're not even sure, then, how
 3 you got out of the sweat lodge; is that correct?
 4 **A. I'm not.**
 5 **Q.** Okay. Because that particular part of
 6 your memory is just completely black?
 7 **A. Correct.**
 8 **Q.** So -- and I'm not suggesting that you
 9 did. You could have very well gotten out of the
 10 sweat lodge ceremony on your own two feet. You
 11 just don't remember or know?
 12 **A. No idea.**
 13 **Q.** And I'm not suggesting that you did, but
 14 you could have very well have been helped out of
 15 the sweat lodge ceremony at the end of the eighth
 16 round. You just don't know?
 17 **A. I don't know.**
 18 **Q.** Or alternatively, you could have been
 19 helped out during round 6. You just don't know.
 20 **A. I don't know.**
 21 **Q.** And that is all because at some point you
 22 simply woke up in the hospital?
 23 **A. Yes.**
 24 **Q.** And you were in very serious condition?
 25 **A. Yes.**

1 **Q.** You were actually in a coma?
 2 **A. Yes.**
 3 **Q.** And you're not even sure what day, day 1,
 4 2, 3, or 4 or 5 of your hospitalization that you
 5 woke up?
 6 **A. No, I'm not.**
 7 **Q.** So is it fair to say, then, Mr. Ray, that
 8 you have no idea, no memory, of what happened
 9 outside the sweat lodge when it ended?
 10 **A. No, I do not.**
 11 **Q.** And that is due to the fact that whatever
 12 caused you to black out, whatever caused you to be
 13 injured and go to the hospital, simply that part is
 14 just black? It's dark?
 15 **A. Yes.**
 16 **Q.** Okay. Even the hospitalization is a bit
 17 of a blur to you?
 18 **A. Yes.**
 19 **Q.** You do remember that when you went into
 20 the sweat lodge structure, you turned left;
 21 correct?
 22 **A. Yes.**
 23 **Q.** You went clockwise?
 24 **A. Yes.**
 25 **Q.** And I'm going to put up Exhibit 414,

1 which has already been admitted. Ms. Polk showed
2 you this yesterday; correct?

3 **A. Yes.**

4 **Q.** This is a diagram, a rough sketch, of the
5 sweat lodge structure. And in the middle there's a
6 pit; correct?

7 **A. Yes.**

8 **Q.** And on the right there is an opening to
9 designate the flap?

10 **A. Yes.**

11 **Q.** And I think we've been referring to that
12 as the south entrance?

13 **A. Yes.**

14 **Q.** And you indicated that you came in, you
15 went clockwise, and you stopped right about here;
16 correct?

17 **A. Yes.**

18 **Q.** And then Mr. Ray was here?

19 **A. Yes.**

20 **Q.** All right. You also indicated you were
21 about four to five people from the flap; correct?

22 **A. Correct.**

23 **Q.** So starting at the flap, you had first
24 Mr. Ray?

25 **A. Yes.**

1 **Q.** And somebody that you know as Megan?

2 **A. Yes.**

3 **Q.** Do you know if that's Megan Fredrickson?

4 **A. Yes.**

5 **Q.** And then right next to Megan there was
6 his assistant, named Taylor?

7 **A. Yes.**

8 **Q.** Do you know if that was Taylor Butler?

9 **A. I don't know what her last name was.**

10 **Q.** Okay. And then next to Taylor was the
11 individual in charge of the AV or the video --
12 video technology? Michael?

13 **A. Yes.**

14 **Q.** Do you know that to be Michael Barber?

15 **A. I don't recall his last name.**

16 **Q.** Okay. And then next to Michael was you?

17 **A. Yes.**

18 **Q.** And to your right would have been who?

19 **A. I don't -- it was a woman. I don't know**
20 **what her name is.**

21 **Q.** Okay. So with all those people we
22 described, you were about five people from the
23 door; correct?

24 **A. Correct.**

25 **Q.** And there are about four people -- excuse

1 me -- three people in between you and Mr. Ray?

2 That would be Megan, Taylor, and Michael?

3 **A. Yes.**

4 **Q.** Okay. Now, you remember at some point
5 after round 3 or 4, you wanted to get out; correct?

6 **A. No. I didn't want to get out until near**
7 **the end.**

8 **Q.** Okay. But earlier you said you're not
9 sure -- I stand corrected. Let me ask you this
10 question: Toward the end of the ceremony, you have
11 a memory that you wanted to get out?

12 **A. And saying that I've got to get out of**
13 **here.**

14 **Q.** Okay. And we'll get to that. But you
15 remember that memory somewhere toward the end?

16 **A. Yes.**

17 **Q.** But going back, you're not sure whether
18 or not you got out in round 5, round 6, 7, or 8?

19 **A. Correct.**

20 **Q.** And you're not sure how you got out?

21 **A. Correct.**

22 **Q.** But it's your belief today that you
23 remember having that thought, I need to get out of
24 here --

25 **A. Yes.**

1 **Q.** -- correct? And you verbalized it?

2 **A. Yes.**

3 **Q.** And what you said was, I need to get out
4 of here --

5 **A. Yeah.**

6 **Q.** -- correct?

7 **A. Some -- something to that effect. Yes.**

8 **Q.** And to be fair, what you said -- and I
9 think you're being very candid as you can with your
10 memory. Correct?

11 **A. Yes.**

12 **Q.** You said you're not sure if you said that
13 in a squeaky voice yesterday; correct?

14 **A. Yes.**

15 **Q.** Or in a roar?

16 **A. Yes.**

17 **Q.** And so you're not sure if you said it
18 loud enough for anyone around you to hear?

19 **A. No. I definitely said it loud enough for**
20 **people to hear because that's when -- you know --**
21 **what came back was you're more than that.**

22 **Q.** Got it. Okay. So at least the people
23 around you, you believe, heard it?

24 **A. Yes.**

25 **Q.** Okay. But you're not sure if you said it

1 loud enough that everyone in the sweat lodge would
2 have heard it?

3 **A. Correct.**

4 **Q.** When you said what returned to you was,
5 you're more than that, it's true, is it not, that
6 it wasn't just Mr. Ray who said that; correct?

7 **A. Correct.**

8 **Q.** It was the group?

9 **A. Yes.**

10 **Q.** And there was a lot of that going on
11 throughout the ceremony, to the extent that you can
12 remember, that there was group encouragement;
13 correct?

14 **A. Yes. With an explanation. In many cases**
15 **what would happen is Mr. Ray would be the initiator**
16 **of it and then others in the group would chime in**
17 **for encouragement. Yes.**

18 **Q.** Sure. And so what the group would say
19 are things like you can do it?

20 **A. Yes.**

21 **Q.** You're more than that?

22 **A. Yes.**

23 **Q.** In fact, did you -- and I'm not
24 suggesting that you did. I'm asking you. Did you
25 ever hear Kirby Brown -- first of all, do you

1 know -- did you know where she was sitting inside
2 the sweat lodge?

3 **A. No.**

4 **Q.** Did you ever hear her say, we can do it?
5 We can do it?

6 **A. No. But I don't -- with it being so**
7 **dark, I -- you know -- there's very few people's**
8 **voices. Because I don't -- I don't know anyone --**
9 **I didn't know anyone or very many people going in.**
10 **So I don't -- wouldn't have known their voice in**
11 **the dark.**

12 **Q.** Okay. So the darkness and the lack of
13 familiarity wouldn't have allowed you to identify
14 who's talking?

15 **A. No. Other than Mr. Ray.**

16 **Q.** All right. Now, when you said, I need to
17 get out of here, whether it was in a squeaky voice
18 or in a roar, what came back to you was the group,
19 everyone, saying you're more than that?

20 **A. Yes.**

21 **Q.** You didn't say, to the extent that you
22 remember, I'm in physical trouble; correct?

23 **A. I don't recall saying I'm in physical**
24 **trouble. No.**

25 **Q.** You didn't say, to the extent that you

1 can remember, that I'm suffering?

2 **A. I don't recall saying that I'm suffering.**

3 **No.**

4 **Q.** What you said was, I need to get out of
5 here?

6 **A. Yes.**

7 **Q.** And so saying I need to get out of here,
8 not saying that you meant that, could have been
9 heard as you just couldn't take it anymore and you
10 wanted out?

11 **A. I -- I can't -- can't say what -- how it**
12 **would be taken by other people.**

13 **Q.** Okay. Point taken. Thank you. So you
14 tried to -- after you verbalized that you -- you
15 needed to get out of here, you tried to feel your
16 way out; correct?

17 **A. Yes.**

18 **Q.** And that was because it was dark?

19 **A. Yes.**

20 **Q.** So you were actually very close to the
21 flap?

22 **A. Yes.**

23 **Q.** About five or four people from it;
24 correct?

25 **A. Yes.**

1 **Q.** But you had trouble getting out?

2 **A. Yes.**

3 **Q.** Part of the reason was because it was
4 dark?

5 **A. Yes.**

6 **Q.** And so had it been in between rounds, the
7 flap open, light coming in, it would have been
8 easier for you to have felt or seen your way out?

9 **A. Yes.**

10 **Q.** And that's -- that's truly the last
11 memory that you have; correct?

12 **A. Yes.**

13 **Q.** And the next thing, you woke up in the
14 hospital?

15 **A. Yes.**

16 **Q.** Yesterday when I heard your direct
17 testimony, Mr. Ray a number of times -- and I think
18 you're being candid with your memory -- to the best
19 you're able to --

20 **MS. POLK:** Your Honor, objection about
21 comments about Mr. Ray's testimony.

22 **THE COURT:** Sustained.

23 **Q.** **BY MS. DO:** Mr. Ray, I heard during your
24 direct testimony a number of times where you used
25 words like "it's foggy." Correct?

1 A. Yes.
 2 Q. Fuzzy?
 3 A. Yes.
 4 Q. Blurry?
 5 A. Yes.
 6 Q. And if I remember some things, you said
 7 yesterday that your memory as to what was issued in
 8 the backpack is foggy. Correct?
 9 A. Yes.
 10 Q. You don't remember what you stated as
 11 your intentions for the week?
 12 A. Correct.
 13 Q. You're not even sure if you took the open
 14 mic to state your intentions?
 15 A. Yes.
 16 Q. Had the state ever played you a clip of
 17 your intentions?
 18 A. No.
 19 Q. You're not sure what the exact order of
 20 the events that occurred on Thursday before the
 21 sweat lodge is. You described that yesterday being
 22 a little fuzzy; correct?
 23 A. Yes.
 24 Q. You talked about a Greg. Would that be
 25 Greg Hartle?

1 A. Yes.
 2 Q. You talked about Greg leaving. Do you
 3 know whether or not Greg left in the third round?
 4 A. I don't know what round it was. It
 5 was -- it was fairly early. Whether it was the
 6 second or the third round, I'm not sure.
 7 Q. Okay. And yesterday you described
 8 whatever was said when Greg left and when he
 9 returned as a bit blurry as well?
 10 A. Yes.
 11 Q. Okay. And I also remember Ms. Polk
 12 asking you starting with round 1 what happened.
 13 And you answered -- you could recall it, and your
 14 word was "somewhat." Do you remember that?
 15 A. Yes.
 16 Q. And then you followed up with, It's a
 17 little bit of a blur?
 18 A. Yes.
 19 Q. Okay.
 20 A. It was very chaotic. Things were -- it
 21 was chaotic. So it was -- it was -- you know -- it
 22 was.
 23 Q. Okay. And part of this -- and I think
 24 I've asked you this before -- is that you just
 25 simply weren't aware of everything that was said or

1 what was going on inside the sweat lodge ceremony;
 2 correct?
 3 A. Yes. Especially on the other side of the
 4 tent because -- you know -- it -- it was hard to
 5 hear what was on -- being said on the other side of
 6 the tent.
 7 Q. Okay. So from where you're sitting over
 8 here -- and I'm going to call this the
 9 "3:00 o'clock zone." Right? This area here?
 10 A. Okay.
 11 Q. You wouldn't have known what was going on
 12 at 12:00 o'clock?
 13 A. I'm not sure.
 14 Q. Well, let me ask. You didn't know what
 15 was going on at 12:00 o'clock?
 16 A. I don't know. Meaning that there were --
 17 there were things being said --
 18 Q. Yes.
 19 A. -- and I don't know -- with it being so
 20 dark, there was no way to tell exactly the
 21 position. So I might have heard something that was
 22 coming from that area, but it -- it was tough to
 23 tell --
 24 Q. Okay.
 25 A. -- what the position -- exact position of

1 the sound was coming from.
 2 Q. Okay. Difficult because you're obviously
 3 sitting at a distance?
 4 A. Yes.
 5 Q. Lots of people in between you and the
 6 12:00 o'clock position?
 7 A. Yes.
 8 Q. Two rows of people; correct? There was
 9 an inner and outer circle?
 10 A. Yes.
 11 Q. Also at the 9:00 o'clock position you
 12 wouldn't have been fully aware of what was going on
 13 there; correct?
 14 A. Again, I'm not -- I may have heard
 15 something. I just -- I would not necessarily be
 16 able to identify the position that it was coming
 17 from.
 18 Q. Understood. And, again, that would be
 19 because there is a lot of distance between you and
 20 that position; correct?
 21 A. No. Not necessarily. It would be more
 22 because it was dark. So there was a sound, but it
 23 was a general sound. I couldn't pick the position
 24 that the sound was coming from.
 25 Q. Do you know whether the diameter of the

1 sweat lodge ceremony was about 23 feet?

2 **A. I don't know what the dimensions were.**

3 **Q.** Were you aware of what was going on at
4 the 6:00 o'clock position?

5 **A. Yeah. Again, the same thing. I don't**
6 **know what -- you know -- I was hearing things that**
7 **I couldn't identify the exact position that they**
8 **were coming from.**

9 **Q.** Okay. Now, in terms of your awareness of
10 what was going on inside the sweat lodge, you had
11 described it before as bits and pieces that you
12 remember?

13 **A. Yes.**

14 **Q.** And let me ask you this: Let me clear
15 this. You sat at approximately this location;
16 correct?

17 **A. Yes.**

18 **Q.** And so the instructions were for people
19 to enter and exit clockwise; correct?

20 **A. Yes.**

21 **Q.** So anyone who wanted to leave, if they
22 were over any area that is to your left going
23 counterclockwise would have to pass you; correct?

24 Is that a poor question? Do you want me
25 to restate it?

1 **A. Yeah. I don't -- I can't --**

2 **Q.** Okay. You're seated here at this "X";
3 correct?

4 **A. Yes.**

5 **Q.** So if people had to leave, they had to
6 pass you to get to the flap; correct?

7 **A. Yes.**

8 **Q.** Were you aware in round 1, Mr. Ray, that
9 three people got up on their own and left?

10 **A. No, I wasn't.**

11 **Q.** You didn't see three people walk right by
12 you?

13 **A. No.**

14 **Q.** Okay. Were you aware that in round 2
15 more people got up and walked right by you?

16 **A. As the rounds started to go, I -- you**
17 **know -- it seemed like that there was some -- that**
18 **someone had left. And I don't recall who it was.**
19 **But it seemed as -- as subsequent rounds were done,**
20 **a few people did leave.**

21 **Q.** Okay. You're just -- you're just not
22 aware --

23 **A. Yeah.**

24 **Q.** -- of everything that happened?

25 **A. Correct.**

1 **Q.** Now, you also had before described having
2 a vision inside the sweat lodge?

3 **A. Yes.**

4 **Q.** And you described as a feeling like
5 you -- you were being waterboarded?

6 **A. Well, that was -- that -- when I woke up**
7 **in the hospital after, there was -- I don't know if**
8 **that vision was actually while I was in the sweat**
9 **lodge. It was just a feeling that I had, like I**
10 **had been. Not that while I was in there I didn't.**
11 **That wasn't a vision necessarily that I had while I**
12 **was in there.**

13 **Q.** Is that a blur right now?

14 **A. Yes.**

15 **Q.** Okay. Let me ask you this: Had you
16 previously described that you had what you thought
17 was a hallucination inside the sweat lodge?

18 **A. I'm not sure that I described it as a**
19 **hallucination. But what I recall was that I had**
20 **mentioned that I thought that I had been**
21 **waterboarded. So that was when I was in the**
22 **hospital. But I don't know when that that -- where**
23 **that feeling came from.**

24 **Q.** It could have been something that you
25 thought or felt experienced that you experienced

1 inside the sweat lodge?

2 **A. It's -- from what I can remember, it was**
3 **that it was not in -- something that happened**
4 **inside the sweat lodge.**

5 **Q.** Okay.

6 **A. I want to be clear about that.**

7 MS. DO: And if I may just have one moment,
8 Your Honor?

9 THE COURT: Yes.

10 (Pause in proceedings.)

11 **Q.** BY MS. DO: At this time, Mr. Ray, is it
12 fair to say that your recollection is a little iffy
13 on that?

14 **A. Yes.**

15 **Q.** Would it help refresh your memory to look
16 at the transcript of your statement to
17 Detective Willingham on October 29, '09?

18 **A. Yes.**

19 **Q.** All right. Mr. Ray, since it will help
20 you remember, I'm going to give you the transcript,
21 which has been marked as Exhibit 706. And I'll
22 have you look --

23 Counsel, it's page 38 starting at line 7
24 to 10.

25 May I approach again, Your Honor?

1 THE COURT: Yes.
 2 MS. DO: Thank you.
 3 Q. Since this is just to help you refresh
 4 your memory, you need to read it to yourself. Read
 5 page 7 through 19. Okay?
 6 Seven through 19, Ms. Polk.
 7 THE WITNESS: Okay.
 8 Q. BY MS. DO: Now, looking at that, does it
 9 help you remember that when you spoke about this
 10 vision that you thought you were being
 11 waterboarded, that you felt it was one of the last
 12 things you remembered, it might have been as you
 13 passed out?
 14 A. Yes.
 15 Q. Does that indicate to you that at least
 16 on October 29 -- would you say whether your memory
 17 on October 29 is better then or is it better today?
 18 A. Probably better then.
 19 Q. And you told Detective Willingham that
 20 you felt that you had a vision as if you were being
 21 waterboarded sometime inside the sweat lodge
 22 ceremony; correct?
 23 A. Yes.
 24 Q. Let me take that transcript from you now.
 25 In fact, you made a comment that you

1 thought Lisa was waterboarding you; correct?
 2 A. Yes.
 3 Q. And Lisa, so the jury know, is Lisa
 4 Rondan?
 5 A. Yes.
 6 Q. And she's someone who's close to you;
 7 correct?
 8 A. She was one of the Dream Team members.
 9 Q. Okay. Did you also have a relationship
 10 with her?
 11 A. We were friends.
 12 Q. Friends. Okay. So at some point inside
 13 the sweat lodge ceremony you believed that you
 14 actually had a vision or a hallucination of some
 15 kind?
 16 A. Again, I'm not sure that -- because I --
 17 I couldn't place where that vision came from. So I
 18 don't know if it was -- you know -- that it came
 19 from inside or maybe that -- maybe it was the
 20 paramedic. I should have explained it better when
 21 I was speaking to her. That -- you know -- it
 22 was -- maybe it was something that from how I was
 23 treated by the first responders. I just -- I just
 24 don't know.
 25 Q. You just don't know?

1 A. I should have explained it better to her
 2 when I spoke to her.
 3 Q. Sure. But at least on October 29, what
 4 you conveyed was a belief that it occurred inside?
 5 A. Yes.
 6 Q. But today you're not sure?
 7 A. Correct.
 8 Q. So do you have any idea, if it occurred
 9 inside, when it occurred?
 10 A. No.
 11 Q. Do you have any idea, if it occurred
 12 inside, how long it lasted?
 13 A. No.
 14 Q. So my final question on this to close
 15 this issue out is, is that it's fair and truthful
 16 to say that you simply weren't aware of everything
 17 that was said or happened inside the sweat lodge
 18 ceremony. Correct?
 19 A. Yes. With an explanation. With -- with
 20 50-plus people in there, no. I -- I could not -- I
 21 did not know everything that everyone said every --
 22 you know -- everything that happened.
 23 Q. And part of that too, Mr. Ray, wouldn't
 24 it be fair to say it's because of the experience
 25 that you had, you as a person in that sweat lodge,

1 where you could have fallen into a vision and you
 2 did black out at some point? That's effected the
 3 certainty or uncertainty of what you remember;
 4 correct?
 5 A. Yes. With an explanation. At the very
 6 end.
 7 Q. Sure. Near the end.
 8 A. Yes.
 9 Q. Okay. But, again, you're not sure
 10 whether for you near the end was the fifth, the
 11 sixth or the seventh or the eighth round?
 12 A. Yes.
 13 Q. Okay. Now -- last few questions and then
 14 I'll be done. And I thank you for your patience.
 15 You were asked yesterday by Ms. Polk, Why
 16 didn't you leave earlier? Do you remember that?
 17 A. Yes.
 18 Q. And you told her that it was because you
 19 felt you were doing okay; correct?
 20 A. Yes.
 21 Q. You felt that you were not physically in
 22 trouble when -- when the flap came up round 1;
 23 correct?
 24 A. Yes.
 25 Q. When the flap came up round 2; correct?

1 **A. Yes.**
 2 **Q.** Round 3; correct?
 3 **A. Yes.**
 4 **Q.** So you made the conscious choice that you
 5 were okay and you were going to stay inside the
 6 sweat lodge; correct?
 7 **A. Yes.**
 8 **Q.** You controlled that?
 9 **A. Yes.**
 10 **Q.** Now, at some point when -- you're not
 11 sure whether it was five, six, seven, or eight when
 12 you decided I do need to get out of here. You
 13 realized then that you had hit what you call the
 14 "runner's wall," so to speak?
 15 **A. At that point I -- it was -- it seems**
 16 **like it was well beyond the runner's wall. It**
 17 **was --**
 18 **Q.** Okay.
 19 **A. I felt that I was in trouble.**
 20 **Q.** And what you verbalized was, I need to
 21 get out of here?
 22 **A. Yes.**
 23 **Q.** My question is -- to you, Mr. Ray, is
 24 when you're on that 26-mile run, you're the only
 25 person who knows whether you've hit that runner

1 wall; correct?
 2 **A. Yes.**
 3 **Q.** And so as you were in the sweat lodge
 4 ceremony -- and I understand from your testimony,
 5 you've actually compared your marathon experience
 6 to the sweat lodge ceremony; correct?
 7 **A. Yes.**
 8 **Q.** Similar challenges?
 9 **A. Yes.**
 10 **Q.** Okay. When you were inside that sweat
 11 lodge ceremony, only you could have known at what
 12 point it was that you needed to get out; correct?
 13 **A. Yes.**
 14 **Q.** Only you would have known inside the
 15 sweat lodge ceremony at what point you hit or you
 16 were beyond that runner's wall; correct?
 17 **A. Yes. With an explanation.**
 18 **Q.** Sure.
 19 **A. You know, the -- I've been to races**
 20 **before where -- you know -- there's a person that**
 21 **needs help and there's medical staff at -- at a**
 22 **race and they actually come out and take someone --**
 23 **you know -- off -- off of the racecourse.**
 24 **So -- you know -- some cases -- you**
 25 **know -- people have gone beyond what they can do**

1 **and there's -- there's medical attention rendered**
 2 **to them at that point.**
 3 **Q.** I understand. You had done a sweat lodge
 4 ceremony before; correct?
 5 **A. Yes.**
 6 **Q.** Was there medical staff at that sweat
 7 lodge?
 8 **A. No.**
 9 **Q.** Did you know whether or not if that's
 10 something that is even considered standard for a
 11 sweat lodge?
 12 **A. I -- I don't know any --**
 13 **Q.** Okay.
 14 **A. -- you know -- any -- procedures or -- or**
 15 **criteria around sweat lodges.**
 16 **Q.** Okay. Let me -- let me bring you back to
 17 the sweat lodge on October 8. You were aware that
 18 there were volunteers, positions that you had done
 19 before, the Dream Team members, outside the sweat
 20 lodge ceremony; correct?
 21 **A. I'd never done a Dream Team for this --**
 22 **for the -- for that event; so I don't know what**
 23 **their specific assignments or positions were.**
 24 **Q.** I understand. But you were aware that
 25 they were outside the sweat lodge?

1 **A. Yes.**
 2 **Q.** And you were also aware that there were
 3 some Dream Team members inside the sweat lodge?
 4 **A. Yes.**
 5 **Q.** And there was staff; correct?
 6 **A. Yes.**
 7 **Q.** And you also -- did you know that there
 8 were two people there from Angel Valley who tended
 9 to the fire?
 10 **A. No, I did not.**
 11 **Q.** Okay. So setting all that aside, what
 12 I'm asking you, Mr. Ray, is that when you get to
 13 the point where you hit that runner's wall, you're
 14 the only one who knows that?
 15 **A. Yes.**
 16 **Q.** Correct?
 17 **A. Yes.**
 18 **Q.** And when you felt you got there, what you
 19 verbalized was, I need to get out of here; correct?
 20 **A. Yes.**
 21 **Q.** You didn't say, I'm suffering or I'm in
 22 physical trouble or I'm in real danger; correct?
 23 **A. Correct.**
 24 **Q.** Thank you, sir, for your time.
 25 Thank you, Your Honor.

1 THE COURT: Thank you, Ms. Do.
 2 Ladies and gentlemen, we will take the
 3 noon recess at this time. Please remember the
 4 admonition. And we will resume -- well, be back at
 5 1:30, please, and we'll start as soon as we can
 6 after that.

7 And we are excused. You are excused.
 8 (Recess.)

9 THE COURT: The record will show the presence
 10 of the defendant, Mr. Ray, the attorneys, the jury.
 11 The witness, Mr. Stephen Ray, is on the witness
 12 stand.

13 Ms. Polk.

14 MS. POLK: Thank you, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. POLK:

17 Q. Good afternoon, Mr. Ray.

18 A. **Good afternoon.**

19 Q. I want to start by going back over the
 20 medical records that Ms. Do had you look at and had
 21 been admitted into evidence. And I want to start
 22 with the report from Guardian Air.

23 Do you know who Guardian Air is?

24 A. **To my recollection, it's a helicopter**
 25 **that provides emergency services.**

1 Q. Did you know that it was Guardian Air
 2 that transported you from Angel Valley to the
 3 Flagstaff hospital?

4 A. **Not at the time. No.**

5 Q. I'm going to place it up over -- on the
 6 overhead. And I'm going to turn to page 2, that is
 7 Bates stamped 6997. Let me see if I can zoom in so
 8 we can read it.

9 Can you see that on your monitor,
 10 Mr. Ray?

11 A. **It's a little fuzzy, but yes.**

12 Q. And can you see on this entry right here
 13 that starts with 1745?

14 A. **Yes.**

15 Q. Can you read where it says landing at
 16 designated?

17 A. **Yes.**

18 Q. Approximately 200 yards away from
 19 scene -- and that time says 1745, which is what
 20 time in layperson's talk?

21 A. **I don't -- I don't know how to convert to**
 22 **military time.**

23 Q. Would that be 5:45 p.m.?

24 A. **I'm not sure.**

25 Q. Do you know, by the way, what time you

1 entered the sweat lodge?

2 A. **I did not have a watch; so I would say**
 3 **early afternoon. But I don't know the specific**
 4 **time.**

5 Q. Okay. Early afternoon on October 8?

6 A. **Yes.**

7 Q. And then according to this record, at
 8 5:45 the helicopter landed at the scene -- the
 9 helicopter that ultimately transported you. And
 10 then looking further down -- it's up a little
 11 bit -- can you see where it says 1752, which would
 12 be 5:52? Do you see that box?

13 A. **Yes.**

14 Q. So at 5:52 the helicopter still at Angel
 15 Valley has not yet lifted off. And then right
 16 there it's written -- I'm going to tilt it a
 17 little. There we go.

18 It says that the patient is being treated
 19 for possible dehydration, suspected heat stroke.

20 Were you aware of that information?

21 A. **No.**

22 Q. And then it also indicates there
 23 peripheral I.V. initiated. Do you recall any
 24 I.V.s?

25 A. **No.**

1 Q. Just looking a little bit further down.
 2 Let's see. Down at 1753, which would be 5:53,
 3 secondary I.V. established. In other words, a
 4 second I.V. was established on you.

5 Do you see that?

6 MS. DO: Your Honor, I'm going to object. I
 7 think the record speaks for itself. I ask counsel
 8 not to interpret the record.

9 THE COURT: Sustained.

10 The exhibit has been admitted. There can
 11 be references to it.

12 Ms. Polk, what is the number of the
 13 exhibit you were just displaying?

14 MS. POLK: Your Honor, this is Exhibit 214.

15 THE COURT: Thank you.

16 Q. BY MS. POLK: I'm going to flip to the
 17 last page of Exhibit 214, Mr. Ray, and see if we
 18 can look at the time that's reflected there toward
 19 the bottom. Let's see if we can.

20 Can you read what this time is in this
 21 last box?

22 A. **No. It's -- it's fuzzy. I can't. It**
 23 **looks like 1829 or 1839. But it's pretty fuzzy on**
 24 **my screen.**

25 Q. And assuming that it is 1839, which would

1 be 6:39, it says, arrival at trauma at FMC --
 2 Flagstaff Medical Center. Patient moved to
 3 hospital bed.
 4 Do you see where it reads that?
 5 **A. Yes.**
 6 **Q.** And, again, you have no memory of any of
 7 that?
 8 **A. No.**
 9 **Q.** Next I want to look at Exhibit 213,
 10 which -- I'm sorry. Exhibit 214 -- no. 213, which
 11 Ms. Do also -- she had you look at these records
 12 and pointed out a couple of things in here.
 13 Do you recall that?
 14 **A. Yes.**
 15 **Q.** And I'm going to flip to Bates 7095,
 16 which is the page that Ms. Do showed you. I'm
 17 going to put that up on the overhead and draw your
 18 attention to -- I'm going to tilt it so we can see
 19 it.
 20 I'm going to draw your attention to
 21 paragraph 2, which is the paragraph that Ms. Do
 22 drew your attention to. Do you see where it says,
 23 victim of mass -- mass casualty incident involving
 24 a sweat lodge? There was some concern for,
 25 basically, anoxia or carbon monoxide poison -- or

1 dioxide poisoning. The patient does not appear to
 2 have had heat stroke, and there is no evidence for
 3 carbon monoxide poisoning. His acute respiratory
 4 failure appears to have resolved.
 5 And I want to draw your attention to
 6 paragraph 3, which was not -- your attention was
 7 not drawn to that through Ms. Do. In paragraph 3
 8 where it says, acute renal failure likely related
 9 to his fasting state, resolved with rehydration, do
 10 you see that?
 11 **A. Yes.**
 12 **Q.** And were you aware of that information?
 13 **A. No.**
 14 **Q.** I'm going to flip to Bates 7098, which
 15 Ms. Do also showed you. And, again, a very similar
 16 document with the doctor being Dr. Neff. And,
 17 again, paragraph 2 your attention was drawn to.
 18 Do you recall that on your
 19 cross-examination?
 20 **A. Yes.**
 21 **Q.** And, again, the information that the
 22 patient does not appear to have had heat stroke and
 23 there is no evidence for carbon monoxide poisoning.
 24 And, again, I want to draw your attention
 25 now to paragraph 3 that states, acute renal failure

1 likely related to his fasting state, resolved with
 2 rehydration.
 3 Were you aware of that?
 4 **A. No.**
 5 **Q.** Do you know, Mr. Ray, what day you were
 6 discharged on?
 7 **A. I do not know the specific date.**
 8 **Q.** I'm going to put up from the same exhibit
 9 your Flagstaff medical records. And, of course,
 10 the jury will get to see all of these records. But
 11 I'm going to put up Bates 7059 and ask you if you
 12 recognize your signature on that page?
 13 **A. Yes.**
 14 **Q.** And do you see right above it says, I,
 15 Ray Stephen, agree that the discharge instructions
 16 have been explained to me?
 17 **A. Yes.**
 18 **Q.** See that? And do you see the date that
 19 you signed the discharge instructions?
 20 **A. Yes.**
 21 **Q.** What date is that?
 22 **A. October 12th, 2009.**
 23 **Q.** Does that help you remember how many days
 24 you were in the hospital?
 25 **A. Yes.**

1 **Q.** And how many days was that?
 2 **A. Four days looks like.**
 3 **Q.** And then looking up a little bit above on
 4 that same page of your discharge instructions, and
 5 it says, call for an appointment with your primary
 6 care physician. And in terms of when, it says,
 7 Follow up in one month.
 8 Did you follow up with your primary care
 9 physician?
 10 **A. I didn't have a primary care physician at**
 11 **the time.**
 12 **Q.** Did you follow up with someone?
 13 **A. Yes, I did.**
 14 **Q.** Who was that?
 15 **A. It was a doctor in San Diego who was a --**
 16 **I forgot what her name is. She was a friend of a**
 17 **friend who was an ear, nose, and throat surgeon. I**
 18 **was having trouble getting an appointment because I**
 19 **didn't have insurance. No one wanted to see me**
 20 **without insurance. So I called him, and he**
 21 **followed up and -- so sometime after that he was**
 22 **able to get me an appointment with her.**
 23 **Q.** Did you get in to see her?
 24 **A. Yes.**
 25 **Q.** Did you do additional follow up after

1 that?

2 **A. Yes. She recommended that I also see a**
3 **neurologist. And so through the same medical**
4 **practice he also set up an appointment with a**
5 **neurologist.**

6 **Q.** When did you see a neurologist?

7 **A. It was sometime last year. I don't know**
8 **the exact date.**

9 **Q.** Have you seen any additional physicians
10 since then for this issue?

11 **A. No. Not since the neurologist.**

12 **Q.** What did you learn from the neurologist?

13 MS. DO: Objection. Hearsay, Your Honor. We
14 have no medical records.

15 THE COURT: Sustained.

16 **Q.** BY MS. POLK: Did you learn from your
17 neurologist what your -- the cause of your illness
18 was arising from Mr. Ray's sweat lodge?

19 MS. DO: Same objection, Your Honor. Hearsay.
20 We have no medical records.

21 THE COURT: Sustained.

22 MS. POLK: Your Honor, it's a yes or no
23 question.

24 THE COURT: I know it is, but sustained.

25 **Q.** BY MS. POLK: I want to turn your

1 attention, Mr. Ray, to, again, the medical records
2 from Flagstaff Medical Center. And it's Bates
3 No. 7104. Do you see the date on the page of this
4 record from Flagstaff Medical Center?

5 **A. Yes.**

6 **Q.** And what date is that?

7 **A. October 12th, 2009.**

8 **Q.** That would be the same day you were
9 discharged?

10 **A. Yes.**

11 **Q.** I want to draw your attention, then, to
12 your chart review.

13 MS. DO: Your Honor, I'm sorry. Under
14 Rule 106, I request the prosecutor include the
15 information to the left of where she's focusing on.

16 THE COURT: The whole exhibit will go. But in
17 this context that would seem reasonable if it's
18 just a question really to the left at some point
19 after you're through going through this point,
20 Ms. Polk.

21 MS. POLK: I can do that right now, Your
22 Honor.

23 **Q.** On the left it says, rehab chart review,
24 physician's orders, rehab services diagnosis. And
25 then let me scoot over so we can read it.

1 Under the diagnosis, do you see where it
2 says, anoxia to the brain due to very hot and
3 crowded sweat lodge?

4 **A. Yes.**

5 MS. DO: Your Honor, and to be clear, that's
6 rehab services diagnosis.

7 THE COURT: Okay. Ms. Polk, could you slide
8 that to the right or left, however that works.

9 Thank you.

10 MS. POLK: And I did read that, Your Honor.

11 THE COURT: You did.

12 MS. POLK: Thank you.

13 **Q.** And then it -- after it says, due to very
14 hot and crowded sweat lodge, it says, patient had
15 ALC. Do you know what ALC is?

16 **A. No, I do not.**

17 **Q.** ALOC?

18 **A. No, I do not.**

19 **Q.** And then it says, was intubated. SP
20 arrest. 46 year old participating in a retreat in
21 Sedona, which ended with some type of fasting and
22 in a sweat lodge for about 60 people.
23 Unfortunately 19 required medical attention, 2
24 died. It is healthy -- and then there's some
25 abbreviations. He suffered ALOC, kidney failure,

1 respiratory arrest. And that's signed by
2 Dr. Richard Neff.

3 Did you ever meet Dr. Neff?

4 **A. I do not recall the names of the doctors**
5 **that I met.**

6 MS. DO: Your Honor, just to clarify.

7 Ms. Polk said it was signed by Dr. Neff. It is not
8 signed by Dr. Neff.

9 THE COURT: It's displayed right there in the
10 manner it's written.

11 MS. DO: I'd ask that we slide to the left so
12 that it's complete, then.

13 Thank you.

14 **Q.** BY MS. POLK: And what was the answer to
15 your question about if you recall meeting Dr. Neff?

16 **A. I don't recall -- I recall meeting**
17 **doctors, but I don't recall their names.**

18 **Q.** Do you know what specialty Dr. Neff was?

19 **A. No, I do not.**

20 **Q.** And do you know how he reached some of
21 his earlier opinions that have been reviewed with
22 you here in court?

23 **A. One of the doctors that saw me said that**
24 **they -- you know -- right around the time I was**
25 **being released, he said that he -- initially when**

1 patients were being brought in that they thought it
2 was a mass suicide.

3 Q. Do you know, by the way, Mr. Ray, what
4 information was offered to paramedics at the scene
5 about the heat, the sweat lodge, the length of the
6 ceremony, the number of rocks?

7 A. I don't know anything that was delivered.

8 Q. Do you know if any of the information
9 about what had happened at the scene, such as the
10 heat, the length of the rounds, the fact that
11 participants had fasted for 36 hours, how many
12 rocks, and how hot it had gotten -- was any of that
13 provided to these doctors?

14 MS. DO: Objection. Leading, compound.

15 THE COURT: Called for a yes or no. And if
16 the witness is capable of answering he may.

17 THE WITNESS: I do not know.

18 Q. BY MS. POLK: And one last page to look
19 at these records for now. I'm going to draw your
20 attention to Bates 7093. I'll position it so we
21 can see the top of it first. This one -- and I'm
22 just reading from the document itself. It says,
23 Signed by Dr. Jeffrey Daniel.

24 Do you recall who Dr. Daniel was?

25 A. No, I do not.

1 Q. Do you see the date on this report, says,
2 sign date October 13?

3 A. Yes.

4 Q. And then let me scroll -- we can move
5 down on it. I'm going to read where it starts
6 toward the bottom here. At one point it says, I
7 spoke at length with Dr. Boyer down at Arizona
8 Poison Control. She suggested that carbon monoxide
9 poisoning was still a possibility, that the patient
10 may have just cleared at this point.

11 I continued to believe that acute
12 hyperthermia and subsequent seizure was the most
13 likely cause of this patient's presentation, given
14 the incident involved sitting in a hot sweat lodge
15 for a prolonged period of time.

16 While in my care, the patient had no
17 further changes in his condition. He is admitted
18 to the ICU in critical condition under the care of
19 Dr. Alan Tuttle?

20 MS. DO: Your Honor, under 106 I'd request the
21 prosecutor read the last two sentences.

22 THE COURT: Read what part?

23 MS. DO: The last two sentences of the
24 document.

25 THE COURT: Oh. All right.

1 Q. BY MS. POLK: Emergency department
2 admission impression. Do you know what "admission
3 impression" is?

4 A. Taken literally, it's when I was
5 admitted. Their impression upon admission.

6 Q. Do you understand that to be something
7 different from opinions by doctors after they've
8 treated you for a few days?

9 MS. DO: Objection. Calls for speculation.

10 THE COURT: Overruled.

11 You may answer that if you can.

12 THE WITNESS: Yes.

13 Q. BY MS. POLK: And this report is dated
14 October 13. The date you were admitted was what
15 date?

16 MS. DO: Your Honor, that's incorrect. The
17 report is October 8, 2009, result date.

18 THE COURT: Well -- Ms. Polk?

19 MS. POLK: Your Honor, I'm willing to move on.
20 It was Ms. Do who wanted more of this page read.
21 The jury will get the entire document.

22 THE COURT: It was actually the admission
23 impression that was requested to be read. And
24 since it's a voluminous document, to add any
25 meaningful context regardless of what the literal

1 intent of 106 is, with regard to admission, it
2 would be appropriate to read those two entries.

3 MS. POLK: And I was just clarifying the date
4 signed by the doctor, Dr. Daniel as October 13.

5 (Pause in proceedings.)

6 THE COURT: We really need the projector. So
7 ladies and gentlemen, we need to take a break and
8 get a technician up here and get this working. So
9 just if you'll stand by and be ready to come back
10 in as soon as you can, ten minutes or so. As soon
11 as we can get this going, we will start. Remember
12 the admonition.

13 We'll be in recess. Thank you.

14 (Recess.)

15 THE COURT: Record will show the presence of
16 the defendant, Mr. Ray, the attorneys, the jury.
17 And the witness is on the witness stand.

18 Ms. Polk.

19 MS. POLK: Thank you, Your Honor.

20 Q. Mr. Ray, when things went dark, we were
21 talking about your Flagstaff medical record. And
22 I'm going to put back up on the overhead the page
23 that is Bates stamped 7091 so we can see what this
24 report is, first of all.

25 Do you see where it says emergency

1 department encounter?

2 **A. Yes.**

3 **Q.** And under result date, it says October 8,
4 2009. And then the time is 1830, or 6:30. Do you
5 see that?

6 **A. Yes.**

7 **Q.** And then on the other side, signed by
8 Dr. Jeffrey Daniel. Sign date October 13, 2009.
9 Do you see that?

10 **A. Yes.**

11 **Q.** Do you know how long you were in the
12 emergency room as opposed to ICU at Flagstaff
13 Medical Center?

14 **A. No.**

15 **Q.** Under the portion where it says critical
16 care note, states, total critical care time was
17 greater than one hour and 35 minutes. This
18 included frequent reassessment, dictation,
19 documentation, review of radiographic and
20 laboratory studies, consultation with Arizona
21 Poison Control, consultation with other Flagstaff
22 Medical Center critical care MDs. It did not
23 include time spent performing separately billable
24 procedures.

25 Do you see where it says that?

1 **A. Yes.**

2 **Q.** And then I want to move to -- let's look
3 and see how many pages this particular report is.
4 It goes from -- it's hard on this machine to get it
5 on the overhead. The bottom says Bates 7091. And
6 then if we look, we can see this is 7092, the
7 second page of that report.

8 And do you see where it says,
9 consultations Alan P. Tuttle, MD, Brent
10 Cutshall, MD, and Dr. Boyer from the Arizona Poison
11 Control?

12 **A. Yes.**

13 **Q.** Did you ever meet Dr. Cutshall?

14 **A. I do not know.**

15 **Q.** And on the third page of this report,
16 which is what we were actually looking at when
17 things went dark, is Bates 7093. And we were just
18 looking at a portion down at the bottom where it
19 says emergency department admission impression.
20 And then No. 1, acute altered mental status.

21 Would you agree that that was their
22 impression, that there was acute altered mental
23 status?

24 MS. DO: Objection. It calls for speculation.
25 The document speaks for itself.

1 THE COURT: Sustained.

2 **Q.** BY MS. POLK: And then No. 2 it says,
3 rule out acute heat stroke. Do you see that?

4 **A. Yes.**

5 **Q.** Would you agree it does not say ruled, as
6 in past tense, ruled out heat stroke?

7 **A. Yes.**

8 **Q.** It's a present tense word, "rule out"?

9 **A. Yes.**

10 **Q.** And you understand that to mean that
11 that's something the doctors have yet to do is to
12 rule out acute heat stroke?

13 MS. DO: Objection. Calls for speculation.
14 The document speaks for itself.

15 THE COURT: Sustained.

16 **Q.** BY MS. POLK: I'm going to move to the
17 last page of this particular report. I'm going put
18 it up here so we can see the Bates number, 7094.
19 And then it's a continuation of what we were just
20 reading.

21 Do you see No. 3 now?

22 **A. Yes.**

23 **Q.** Acute seizures. No. 4, rule out acute
24 coronary syndrome. Again, would you agree that
25 that's not past tense, as in having ruled it out?

1 **A. Yes.**

2 **Q.** And then No. 5 is acute metabolic
3 acidosis?

4 **A. Yes.**

5 **Q.** And then further down can you see where
6 it says, electronically signed on October 13, 2009?

7 **A. Yes.**

8 **Q.** And that would actually be one day after
9 you were discharged from the hospital?

10 **A. Yes.**

11 **Q.** I need to go back to Exhibit 214, which
12 is the Guardian Air records. Because I see that I
13 might have misread a time here, and that was the
14 time you arrived at the Flagstaff Medical Center.

15 Let's see if we can bring it up again. I
16 believe I might have asked you to agree that that
17 said 1839. Would you agree it appears to be 1829?

18 **A. It's fuzzy on the screen; so I can't
19 really tell on this particular screen.**

20 **Q.** You told the jury about additional
21 doctors that you saw once you got back to
22 California. You mentioned someone who's an ear,
23 nose, and throat doctor?

24 **A. Yes.**

25 **Q.** What sort of specialty is that? Do you

1 know?

2 **A. Ear, nose, and throat surgeon.**

3 **Q. Do you know what an internist is?**

4 **A. I -- I don't know the specific**
5 **definition. I've heard that doctors can be**
6 **internists. But I don't know what the particular**
7 **definition of an internist is.**

8 **Q. Did you ever see an internist?**

9 **A. Yes. That's who -- that's who my friend**
10 **set me up with. She was an internist.**

11 **Q. Okay. And did you get a diagnosis from**
12 **your internist?**

13 **A. She just talked to me about --**

14 MS. DO: Your Honor, I have to object. Calls
15 for hearsay. We've received no medical records.

16 THE COURT: That question was yes or no. And
17 he may answer that.

18 Just the initial question if you can,
19 Mr. Ray.

20 THE WITNESS: Yes.

21 **Q. BY MS. POLK: I want to move back to some**
22 **of the other topics that Ms. Do cross-examined you**
23 **on. And specifically you were asked and testified**
24 **a little bit about a warrior team. How often after**
25 **an event put on by Mr. Ray did you join a warrior**

1 team?

2 **A. Generally, within a week or so after the**
3 **event, there was -- we were to schedule either a**
4 **call with the Dream Team mentor. And most of them**
5 **were conference calls because they were -- people**
6 **generally were -- lived in different areas of the**
7 **country.**

8 **Q. Did it cost you money to be on a warrior**
9 **team?**

10 MS. DO: Objection. Relevance, Your Honor.

11 THE COURT: Overruled.

12 You may answer that.

13 THE WITNESS: Only for -- you know -- say, the
14 cost of -- if you needed long distance or those
15 types of things. But there was no charge from
16 James Ray International to participate in the
17 warrior team.

18 **Q. BY MS. POLK: And then you were asked**
19 **some questions about the type of people that would**
20 **be on your warrior team and asked to agree whether**
21 **or not they were independent and easily controlled.**
22 **And you responded that at the seminars themselves**
23 **that people were very -- very controlled. Do you**
24 **recall that?**

25 MS. DO: Objection. Mischaracterizes the

1 testimony.

2 THE COURT: The witness can answer that if
3 that's a correct characterization. If not, then he
4 can state he can't answer that.

5 THE WITNESS: Yes. There was control at the
6 events. You know, everything that you were able to
7 do at the -- at the event was controlled.

8 **Q. BY MS. POLK: And in what way?**

9 **A. Meaning there was rules about -- you**
10 **know -- come back -- you know -- rules about -- you**
11 **know -- if you had a cell phone. Like, for**
12 **example, if you had -- you were told that your cell**
13 **phone needed to be turned off. And if your cell**
14 **phone went off during an event, you had to get up**
15 **in front of the whole audience and sing.**

16 **Q. Who would direct that consequence for a**
17 **cell phone going off?**

18 **A. Mr. Ray.**

19 **Q. Did that ever happen to you?**

20 **A. It did not happen to me personally. No.**

21 **Q. Any other examples of the control?**

22 **A. Just -- you know -- there would be**
23 **certain rules and parameters about the events. And**
24 **so -- you know -- if you -- if you broke those**
25 **rules, then there -- there might be a consequence.**

1 **I can't think of any specific examples at the**
2 **moment.**

3 **Q. Was the Spiritual Warrior 2009 seminar**
4 **supposed to be different from the other seminars**
5 **you had attended?**

6 **A. Yes. My impression of it was it was**
7 **supposed to be the pinnacle event of all of the --**
8 **what he called the "warrior journey." So each --**
9 **each event in -- in some way built on the previous**
10 **event.**

11 **The Spiritual Warrior was to be -- to be**
12 **the pinnacle event where you would -- you know --**
13 **it was the pinnacle event and you would have much**
14 **more intimate access to Mr. Ray.**

15 **Q. Did the previous events prepare**
16 **participants for this pinnacle event?**

17 MS. DO: Objection. Calls for speculation as
18 to other participants.

19 THE COURT: Sustained.

20 **Q. BY MS. POLK: Were you ever told by**
21 **Mr. Ray that there was any order that you were**
22 **supposed to take the various seminars in before**
23 **taking Spiritual Warrior 2009?**

24 **A. No. Initially -- one thing I remember**
25 **him saying is initially that you had to take them**

1 in order. And then later on -- you know -- whether
2 it was a -- a year into when I was taking them,
3 then he opened it up so that people could take
4 them -- they didn't have to be taken in any -- any
5 specific order.

6 It was recommended, but you definitely
7 didn't have -- you weren't required to do one
8 before another one. So if I wanted to do -- I
9 could do them in any order.

10 Q. Do you know what year it is that Mr. Ray,
11 the defendant, opened it up to any order?

12 A. No. I don't know what the specific date
13 was.

14 Q. Did you know James Shore?

15 A. No, I did not.

16 Q. Had you ever seen him at any of the prior
17 events?

18 A. No. Not that I can recall.

19 Q. With respect to the audio clips, you
20 testified that some of the clips really stuck in
21 your mind -- some of the clips that the state had
22 played. Do you recall that testimony?

23 A. Yes.

24 Q. What specifically stuck in your mind?

25 A. One of the comments that he made in

1 regard to -- and I don't know the exact quote. But
2 the -- the gist of it was that -- you know -- it
3 was around most people want to better their lives.
4 Many people want to better their lives. Most are
5 unwilling to do what it takes.

6 Q. What did that mean to you?

7 A. To me it meant that if -- for myself it
8 meant that I needed to break through whatever
9 barriers came up with me that prevented me from --
10 you know -- having the things I wanted to have in
11 my life or the relationships that I wanted to have
12 in my life. I needed to move through whatever --
13 whatever fear or barrier I might have.

14 Q. Do you believe that the defendant knew
15 what you needed to do to better your life?

16 MS. DO: Objection. Calls for speculation and
17 it's leading.

18 THE COURT: Sustained.

19 Q. BY MS. POLK: An audio was played for you
20 and for the jury that mister -- in that audio
21 Mr. Ray, the defendant, talked about the five
22 pillars of power. Do you recall that audio?

23 A. Yes.

24 Q. Did you recall that lecture at Spiritual
25 Warrior 2009?

1 A. No. I didn't recall that one at the
2 event.

3 Q. And in the audio of the five pillars, the
4 audio talked about three of them. Do you recall
5 that?

6 A. Yes.

7 MS. POLK: Your Honor, at this time, pursuant
8 to 106, I'd like to play the rest of that lecture.

9 THE COURT: Yes.

10 MS. POLK: It's Exhibit 782. May it be
11 admitted into evidence?

12 MS. DO: No objection, Your Honor.

13 THE COURT: 782 is admitted.

14 (Exhibit 782 admitted.)

15 MS. POLK: Your Honor, that equipment shut
16 down as well. It may take a while.

17 (Exhibit 782 played.)

18 Q. BY MS. POLK: Mr. Ray, you were asked
19 some questions about your competing at the high
20 school level in terms of martial arts and running?

21 A. Yes.

22 Q. Do you recall those questions?

23 A. Yes.

24 Q. Did you trust your high school coach to
25 look out for your safety?

1 A. Yes.

2 Q. And why?

3 A. Because he had years of experience
4 training the track and cross-country teams.

5 Q. And was it your belief that your coach
6 constantly assessed the safety of the program that
7 he had you in?

8 MS. DO: Your Honor, I'm going to object to
9 the line of leading questions.

10 THE COURT: Sustained as leading.

11 Q. BY MS. POLK: Do you know whether your
12 high school coach ever reviewed any accidents that
13 might have occurred?

14 MS. DO: Objection. Relevance.

15 THE COURT: Sustained.

16 MS. POLK: Your Honor, this is the line of
17 questioning that the defense opened the door on.

18 THE COURT: Sustained as -- as leading.

19 Q. BY MS. POLK: Do you know if your high
20 school coach -- if there were ever any problems in
21 your high school coach's program?

22 MS. DO: Objection. Leading and relevance.

23 THE COURT: Overruled.

24 You may answer that.

25 THE WITNESS: No. There were not.

1 **Q.** BY MS. POLK: Do you know what your high
2 school coach did in terms of maintaining the
3 program as a safe program?

4 MS. DO: Objection, Your Honor. Relevance.

5 THE COURT: Overruled.

6 You may answer that.

7 THE WITNESS: No. I don't -- I didn't know
8 specifically what he did as in if he had a -- you
9 know -- written plan. He watched us very closely.
10 For example, if we would go on training runs, he
11 would -- he was kind of an interesting, heavysset
12 guy; so he would drive -- you know -- many times
13 drive the course -- the training course with us and
14 just watch everyone and make sure they were okay.

15 MS. DO: Your Honor, my objection to that line
16 of question is relevance because we're dealing with
17 minors. It's a different situation.

18 THE COURT: Ms. Polk. There is no question.

19 MS. POLK: Okay. I can continue?

20 THE COURT: Yes.

21 MS. POLK: Thank you, Judge.

22 **Q.** Mr. Ray, you were shown Exhibit 211. Do
23 you recall this exhibit to be the Spiritual Warrior
24 release that you signed?

25 **A. Yes.**

1 **Q.** And let me actually hand it to you. I'll
2 show you Exhibit 211. Who signed that release?

3 **A. I did.**

4 **Q.** And who else signed that release?

5 **A. Brent -- I can't make out the last name.**
6 **Me -- M-e-k-a-s-h? It's hard to read his writing.**

7 **Q.** Mekosh?

8 **A. Possibly.**

9 **Q.** Did you know him to be another
10 participant at the Spiritual Warrior 2009?

11 **A. I did not know him. I arrived late and**
12 **he arrived at the same time, and so they just said,**
13 **Hey, you sign his and he sign yours.**

14 **Q.** Did the State of Arizona sign that
15 release?

16 **A. Excuse me?**

17 **Q.** Did the State of Arizona sign that
18 release?

19 MS. DO: Objection. Argumentative, Your
20 Honor.

21 THE COURT: Sustained.

22 **Q.** BY MS. POLK: Are you aware, Mr. Ray,
23 that a person can't protect themselves from
24 criminal charges with a waiver such as this?

25 MS. DO: Objection. Leading.

1 THE COURT: Sustained.

2 **Q.** BY MS. POLK: You said -- you testified
3 that you had a conflict with Spiritual
4 Warrior 2009?

5 **A. Yes. Both 2008 and 2009.**

6 **Q.** And what did you do about trying to
7 resolve the conflict in 2009?

8 **A. In 2009 I had a schedule conflict. And**
9 **so I had a friend that wanted to go. So we spoke**
10 **and he said that he would buy my seat at the event.**

11 **Q.** And was that allowed to happen?

12 **A. It was allowed to happen. However, what**
13 **I didn't realize when -- when I first talked to him**
14 **about it, it was -- there -- there was a lot of**
15 **rules around the event in the sense of the -- the**
16 **money.**

17 **The way the JRI staff employee explained**
18 **it to me was that I -- I would not be selling him**
19 **my seat in the event because the -- I had purchased**
20 **that event as a part of a package. They would**
21 **assign a credit value to -- to my -- for any other**
22 **person that would want to attend that event. And**
23 **so it was not the full value of what most of the**
24 **other people paid for the event.**

25 **Q.** In other words, more money would have had

1 to be paid by your friend to attend?

2 **A. Yes. He would have -- I can't remember**
3 **the exact number. But it was somewhere around**
4 **maybe \$1,000 in value or credits that -- that if I**
5 **transferred that to him, that he would get. And**
6 **then he would have to pay approximately an**
7 **additional \$8,000 to be able to attend.**

8 **Q.** So what did you do?

9 **A. So I just made some changes and went**
10 **ahead and let them know that I would be attending.**

11 **Q.** With regard to the registration process,
12 did Mr. Ray or his staff ever get emergency contact
13 information from you?

14 **A. I don't recall.**

15 **Q.** When you ended up in the hospital in
16 Flagstaff, do you know how long it took for your
17 family or relatives to be notified?

18 MS. DO: Objection. Relevance, Your Honor.

19 THE COURT: Sustained.

20 **Q.** BY MS. POLK: You testified that you
21 believed that you were in good health in going and
22 attending the Spiritual Warrior 2009 but that a
23 physical examination was not required.

24 Do you recall that?

25 **A. Yes.**

1 Q. Do you know what your doctor would have
2 written on an examination if an examination had
3 been required?

4 A. I couldn't project what he might write.
5 I know that I was working out. I was eating
6 healthy. I felt great. There was no -- I had no
7 symptoms of anything. I was in -- I felt in great
8 health.

9 Q. Had you had an examination any time prior
10 to Spiritual Warrior 2009, a physical exam?

11 A. No. Not that I can recall. Not for
12 years.

13 Q. You were asked some questions about what
14 was audiotaped during the week and specifically
15 about the things that Mr. Ray said to the
16 participants before you all entered into the sweat
17 lodge. And the jury, in fact, has heard a briefing
18 presented by Mr. Ray.

19 After that briefing participants gathered
20 down by the fire. Do you recall that?

21 A. Yes.

22 Q. Did Mr. Ray say some more things at that
23 point?

24 A. As I recall, they -- we were given some
25 instructions around what to do with our -- our

1 recapitulation paperwork and the rock that we were
2 carrying with us.

3 Q. And who gave you those instructions?

4 A. Mr. Ray did.

5 Q. And do you know that that briefing at the
6 fire was not recorded?

7 A. I did not know that.

8 Q. At any time did Mr. Ray, the defendant,
9 ever tell you why you couldn't get out during a
10 round during his sweat lodge ceremony?

11 A. I don't recall that. No.

12 Q. Did Mr. Ray, the defendant, ever tell you
13 why he couldn't stop a round to let people out?

14 A. No.

15 Q. You were asked some questions about the
16 Samurai Game. And you disagreed. You said it was
17 not a silly game. You said it was intense. Do you
18 recall what the defendant's demeanor was during the
19 Samurai Game?

20 A. He was playing the character of God, so
21 it was complete control and very -- very strong
22 and -- very -- very -- a very strong demeanor.

23 Q. Was he laughing and having fun?

24 MS. DO: Objection. Leading, Your Honor.

25 THE COURT: Sustained.

1 Q. BY MS. POLK: Did you see Mr. Ray laugh
2 during the Samurai Game?

3 A. No.

4 Q. You have used the term "play full on."
5 Was that used during the Samurai Game by Mr. Ray?

6 A. I don't recall it being used during the
7 game. It was -- I recall it being used throughout
8 the -- the week. I don't recall it during the
9 game.

10 Q. And for you personally, when you could no
11 longer hold the book up because of your injured
12 shoulder, what happened?

13 A. He said, die.

14 Q. In what kind of voice?

15 A. A loud, shouting voice. It was like,
16 die.

17 Q. More than once?

18 A. Yes. I -- it didn't -- for whatever
19 reason it didn't register with me. And I -- so I
20 just stood there. And then he said it at least one
21 if not two more times.

22 Q. Did Mr. Ray, the defendant, later talk to
23 you and the other participants about how you played
24 the Samurai Game?

25 A. Yes, he did.

1 Q. Do you recall what he said?

2 A. Yeah. He -- I don't know verbatim. One
3 of the things is -- with all the exercises is
4 that -- you know -- you show up -- when you -- when
5 you participate in the exercise -- you know -- you
6 show up how you live your life.

7 So if you show up that -- you know -- in
8 fear, that's how you show up in the exercise. If
9 you show up as a leader, that's what shows up in
10 the exercise. If you -- you know -- show up as a
11 follower, that's something that -- that is revealed
12 to you during the exercise.

13 Q. And did Mr. Ray specifically say anything
14 about how you all had played the Samurai Game?

15 A. Yes. In fact, he -- he had mentioned
16 something about -- about me in particular. He
17 said -- and again, I don't know the specific
18 wording. But he said -- you know -- here was a guy
19 that played full on in -- throughout his shoulder
20 because he cared about his team so much.

21 Q. Did the defendant say anything about how
22 others had played the game in comparison to you
23 playing full on?

24 A. Yes. He's very watchful. It was very --
25 you know -- and notes how people show up. And,

1 **again, I don't know the specific words. But it was**
 2 **made clear to people -- you know -- how they showed**
 3 **up.**

4 **Again, I don't know the specific wording.**
 5 **But -- you know -- there were some people that --**
 6 **you know -- showed up how they show up. And he --**
 7 **he talked about that.**

8 **Q.** Were there some people who he said had
 9 not shown up?

10 **MS. DO:** Objection. Leading, Your Honor.

11 **THE COURT:** Sustained.

12 **Q.** **BY MS. POLK:** Did Mr. Ray criticize
 13 anybody?

14 **A.** **Yes. I don't know if I would call it**
 15 **criticizing. He -- he demonstrated their behavior.**
 16 **He was like, this is how you showed up. You know,**
 17 **it was -- you know -- if they were -- if they're**
 18 **not taking it seriously or if they -- you know --**
 19 **they didn't -- they didn't play full on, he made**
 20 **them aware of that that -- you know -- he saw that**
 21 **and that they had to -- that was something that**
 22 **they really had to look at.**

23 **Q.** Did you see how anybody reacted to that?

24 **A.** **Yes.**

25 **Q.** And what did you see?

1 **A.** **I saw people who were upset. You know,**
 2 **they were very upset about how they showed up. And**
 3 **that was what was so powerful about the exercise is**
 4 **that -- you know -- it -- it revealed things about**
 5 **ourselves that -- you know -- for lack of a better**
 6 **way to put it, we may not have been consciously**
 7 **aware of.**

8 **And for some people it was -- it was very**
 9 **moving. You know, they were very upset about how**
 10 **they showed up in that game.**

11 **Q.** Do you remember anybody in particular who
 12 was upset about how they showed up?

13 **A.** **No.**

14 **Q.** And for you personally, when the
 15 defendant told you -- complimented you for how you
 16 showed up and played the game in spite of an
 17 injured shoulder muscle, how did that make you
 18 feel?

19 **A.** **It just was an acknowledgment that I**
 20 **played full on.**

21 **Q.** Was that a good thing, in your mind?

22 **A.** **Yes.**

23 **Q.** You were asked some questions by Ms. Do
 24 about prior events and some of the challenges you
 25 faced. And specifically you talked about walking

1 on hot coals, a rope course, and an event where you
 2 were harnessed and you jumped from a platform that
 3 was 60 to 80 feet up in the air and you jumped out
 4 and you grabbed a ring. Do you recall that event?

5 **A.** **Yes.**

6 **Q.** Was there a safety measure in place to
 7 take care of people who are up 60 to 80 feet
 8 jumping out at a ring?

9 **MS. DO:** Objection. Relevance, Your Honor.

10 **THE COURT:** Overruled.

11 **THE WITNESS:** Yes, there was.

12 **Q.** **BY MS. POLK:** What was that safety
 13 measure?

14 **A.** **We were harnessed. I think we even had a**
 15 **helmet on. It was a -- a full harness that you**
 16 **would use that secures you so that you could -- you**
 17 **know -- you could, basically, hang from this**
 18 **harness, as well as, I think, a helmet that we**
 19 **wore.**

20 **Q.** Did people, in fact, jump out and miss
 21 the ring?

22 **A.** **Yes.**

23 **MS. DO:** Objection. Relevance.

24 **THE COURT:** Overruled.

25 The answer stands.

1 **Q.** **BY MS. POLK:** Did the harness then catch
 2 them?

3 **A.** **Yes. It caught me. I was -- one of the**
 4 **things that I -- I did at several of the events is**
 5 **I was the first one to go and do the exercise. So**
 6 **I was -- you know -- the first one that ran up**
 7 **and -- as I recall, I was the first one that ran**
 8 **up. And I climbed up there, and I jumped out, and**
 9 **I hit -- hit the ring but did not catch it. And I**
 10 **fell.**

11 **Q.** And then what happened?

12 **A.** **The harness caught me.**

13 **Q.** In 2009 in the defendant's sweat lodge,
 14 was there a safety precaution in place to take care
 15 of the people who couldn't handle his heat?

16 **MS. DO:** Objection, Your Honor. Goes beyond
 17 the scope.

18 **THE COURT:** Sustained.

19 **Q.** **BY MS. POLK:** You talked about not
 20 feeling dehydrated after your Vision Quest. Do you
 21 remember that testimony?

22 **A.** **Yes.**

23 **Q.** How did you feel after the Vision Quest?

24 **A.** **Tired.**

25 **Q.** Anything else?

1 A. I felt good. It was -- you know -- it
2 was -- I felt very centered and -- centered and
3 tired.

4 Q. Did you --

5 A. Felt good.

6 Q. Did you feel hungry?

7 A. Yes.

8 Q. Had you slept during the 36 hours?

9 A. Not -- if I did, it -- it wouldn't have
10 been more than an hour or so.

11 Q. And had you gotten sleep the two nights
12 preceding your Vision Quest -- Sunday and Monday
13 nights?

14 A. I don't think so. The -- the first night
15 that I arrived I got sleep. In fact, I went to bed
16 as soon as we were allowed to go.

17 And then after that -- again, not -- not
18 being exactly sure about the order of events, but
19 it seemed like that there was -- we were given an
20 exercise and -- that was with the recapitulations.
21 And we were encouraged to -- to journal.

22 And -- you know -- we were given a topic,
23 and we were to start -- just to start writing. And
24 even if we started to go off on a tangent in
25 writing, we were just encouraged to write and write

1 and write and not stop. And we were encouraged to
2 do that as long as we could -- you know -- even if
3 it meant staying up all night. And I did that the
4 first night.

5 And then the second night I also did
6 that. Again, I don't know what the time was, but
7 it was -- you know -- somewhat near sunrise because
8 I finished it and went back. And it was -- it was
9 a very short period of time before the -- you
10 know -- the sun came back up.

11 Q. Both nights?

12 A. Yes.

13 Q. You were asked some questions by Ms. Do,
14 Did you know somebody named Sylvia? Did you know
15 other people? And you actually didn't know other
16 people attending this event; is that true?

17 A. The participants, as I recall -- I can't
18 recall knowing any of the participants prior to the
19 event -- the ones that were actually participants.

20 Q. During the event did participants get a
21 chance to get to know each other?

22 A. There was some breaks and -- and -- one
23 of the things that we're encouraged to do -- you
24 know -- we would go for a period of time and then
25 everyone would change seats. So you never really

1 got a chance, as I recall, to really get to know
2 anyone very well. We were continually changing
3 seats. You'd come in and the people would be
4 seated in different areas of -- you were just
5 moving quite a bit.

6 Q. Was this an event where you expected to
7 make friends and get to know other people?

8 A. Not this event. This event was really
9 for me -- you know -- having heard it was a
10 pinnacle event, I really was focused on -- you
11 know -- playing full on for the -- the event. I
12 wasn't -- I wasn't there to socialize.

13 Q. Had you heard Mr. Ray use the phrase,
14 "let them have their own experience"?

15 A. Yes.

16 Q. Did you hear the defendant use that
17 phrase during the week of the Spiritual
18 Warrior 2009?

19 A. Yes.

20 Q. In what context? What did that mean?

21 A. Well, it's -- seems like that there is --
22 there's times when people get emotional and -- you
23 know -- and maybe even to a point of breaking down
24 in -- in some sense. And -- you know -- there
25 would be an instruction as, let them have their own

1 experiences to work through.

2 You weren't encouraged to -- you know --
3 go and tell them it's all going to be okay. You
4 were encouraged to just to let them experience --
5 let them experience what they were going through.

6 Q. What events during the week were
7 participants encouraged not to assist somebody who
8 might be upset, for example?

9 A. It seemed like it was ongoing throughout
10 the event, is that it was -- you know -- we're
11 really encouraged to look at what's coming up for
12 us on a personal level rather than -- you know --
13 trying to fix someone else or help someone else.

14 Q. And when all the participants were inside
15 the defendant's sweat lodge, had he ever told you
16 to do the opposite, to assist people who might need
17 help?

18 A. No.

19 Q. You were asked some questions about
20 inside the sweat lodge and your comment, I need to
21 get out of here. Your testimony was that the
22 defendant and others said that you're more than
23 that. Do you recall how that made you feel?

24 A. At that point it upset me because I -- I
25 felt like I was in trouble. I didn't want to hear

1 **that I was going to be okay. I wanted help.**

2 **Q.** Do you believe you were having your own
3 experience at that time?

4 **A.** **I don't know. That's hard -- hard to**
5 **answer. I was definitely having a personal**
6 **experience. Yes.**

7 **Q.** When you talked about what Mr. Ray had
8 taught participants all week long about leaving
9 people alone, not assisting, did you think about
10 that when you were in distress inside the sweat
11 lodge?

12 **A.** **I just -- I remembered thinking I need**
13 **help and it was -- there was no help. It was**
14 **just -- you know -- that's why it upset me that --**
15 **you know -- people were saying -- you know --**
16 **you're more than that when that's not what I**
17 **needed. I needed help.**

18 **Q.** And during the events of the week leading
19 up to the sweat lodge, when somebody needed help,
20 did they get help from the defendant or the Dream
21 Team members?

22 **A.** **I did -- I got some help when -- when**
23 **I -- when I pulled the muscle in my shoulder. It**
24 **was one of the participants. And she helped me**
25 **stretch it out and she made -- she gave me her**

1 **scarf and tied a scarf into a little sling for me.**
2 **So that was the -- you know -- she helped me out.**
3 **Yes.**

4 **Q.** Did you have, by the way, a Dream Team
5 member assigned specifically to work with you?

6 **A.** **No.**

7 **Q.** And how about Mr. Ray? Did he ever
8 identify you as somebody he wanted to work directly
9 with?

10 **A.** **As I recall -- as I recall, there --**
11 **there were times when -- you know -- if we were**
12 **doing an exercise that we could have an opportunity**
13 **to go up and ask him a question. In fact, it**
14 **was -- that was one of the things that -- appeared**
15 **to me that was one of the rules.**

16 **If we asked a Dream Team member a**
17 **question, they would refer us either back to the**
18 **rules of -- of -- or the instructions to -- to the**
19 **exercise we were doing or refer us to ask James the**
20 **question -- Mr. Ray the question.**

21 **Q.** And did you ask the defendant a question
22 during the week?

23 **A.** **I think that I did. I just don't**
24 **remember what that would have been.**

25 **Q.** Prior to -- we're back in the sweat lodge

1 now. Prior to the time that you realized you
2 needed help or you needed to get out, were you
3 aware that other people had experienced something
4 similar?

5 **A.** **Yes. I heard people --**

6 MS. DO: Objection. That calls for
7 speculation and it goes beyond the scope.

8 THE COURT: Sustained.

9 **Q.** BY MS. POLK: Prior to your believing
10 that you needed help, what had you heard in the
11 sweat lodge?

12 **A.** **I had heard people say, hey, this person**
13 **next to me is passed out. I heard -- like I said**
14 **earlier, I heard a man saying that he was -- you**
15 **know -- he couldn't breathe. And then later on**
16 **that escalated into -- you know -- I think I'm**
17 **having a heart attack.**

18 **Q.** Did you know what had happened -- what
19 sort of assistance was given to people who said
20 they were in need of help?

21 **A.** **Well, what -- what I heard was -- you**
22 **know -- there was someone that was passed out.**
23 **And -- you know -- what I heard -- what I had heard**
24 **Mr. Ray say was -- you know -- we'll get to them at**
25 **the next round. We'll take care of them at the**

1 **next round.**

2 **Q.** And were you ever aware of Mr. Ray taking
3 anybody -- taking care of anybody after the next
4 round?

5 **A.** **It seemed like when the -- when the door**
6 **finally opened, then Aaron came in. And I don't**
7 **know how many people Aaron carried out. But he**
8 **dragged at least one person -- pretty sure more**
9 **than one person out after that time.**

10 **Q.** And do you know how you got out?

11 **A.** **No, I do not.**

12 **Q.** You told Ms. Do that -- you used the word
13 "chaos" in your testimony about the sweat lodge.
14 Where was the chaos?

15 **A.** **It seemed to be all around. Again, it**
16 **was -- it was dark, so I couldn't -- it was hard to**
17 **identify the direction of where stuff was coming**
18 **from. It was just people complaining or -- you**
19 **know -- like I said, a guy saying he -- that he**
20 **was -- couldn't breathe and a lot of statements of**
21 **that type made. And it came from all different --**
22 **it seemed to come from all different areas.**

23 **Q.** Did you hear the defendant respond to the
24 various statements that were made?

25 **A.** **Yes.**

1 Q. You testified that when you -- at some
2 point you believed you had been waterboarded?

3 A. Yes.

4 Q. When was it -- when do you remember
5 having that feeling?

6 A. That was when I was in the hospital. It
7 was -- you know -- as I started -- as the fog was
8 clearing in my head -- you know -- that was a --
9 something -- it was some type of memory that --
10 that came up for me.

11 Q. Do you know -- after you were pulled from
12 the sweat lodge, do you know if water was ever
13 dumped on you?

14 A. I do not know.

15 Q. Do you know whether there was water on
16 the property to hose down people or pour buckets of
17 water on people?

18 A. Yes. That -- part of the instructions
19 was that when we finally came out of the sweat
20 lodge that we would be hosed down with cold water
21 after we exited.

22 Q. And then you testified that Lisa, who was
23 a Dream Team member, was actually a friend of
24 yours?

25 A. Yes.

1 Q. Do you know what Lisa's occupation was?

2 A. She -- she was a -- just a stay --
3 stay-at-home mom. She -- as I recall, I think she
4 might have worked for Mr. Ray in a coaching
5 capacity. So that one of the things that -- one of
6 the new programs that Mr. Ray instituted to help
7 the participants -- you know -- be more successful
8 in their lives.

9 They'd have an opportunity to be able to
10 have a coach who was a -- you know -- an employee
11 of -- I think they were an employee of James Ray
12 International who had gone through the events that
13 they'd gone through and had gone through a required
14 coaching program that -- that was required for them
15 to do so that they could then coach graduates of
16 the various events.

17 Q. How long had you and Lisa been friends
18 prior to October of 2009?

19 A. I don't recall exactly. Maybe a year or
20 so or less. I'm not sure.

21 Q. Do you know Lisa's last name?

22 A. Rondan.

23 Q. Do you know if Lisa Rondan was a nurse?

24 A. She told me that she -- a long time ago
25 she was a nurse. But -- and she had been trained

1 as a nurse. But she had not been one for quite
2 some time.

3 Q. Do you know what kind of nurse she was
4 when she was trained as a nurse?

5 A. No, I do not.

6 Q. Do you know if Lisa Rondan attended
7 Spiritual Warrior 2009 in the capacity as a nurse?

8 A. She told me that she was there as a --
9 MS. DO: Objection.

10 THE WITNESS: -- coach.

11 MS. DO: Calls for hearsay, Your Honor.

12 THE COURT: Sustained.

13 Q. BY MS. POLK: You testified a little bit
14 about your condition and in terms of sleep or lack
15 of sleep, the 36 hours of fasting, the pulled
16 shoulder muscle, and the playing the Samurai Game,
17 the vegetarian diet.

18 Before you entered the defendant's sweat
19 lodge, do you know whether or not the defendant
20 himself had participated in, for example, the
21 36-hour fast?

22 A. No. I have no idea what he did or -- or
23 does during the events.

24 Q. During the events that he was present
25 for, such as the Holotropic breathing or the

1 Holosync exercise, did you see Mr. Ray, the
2 defendant, also doing those events along with the
3 participants?

4 MS. DO: Objection, Your Honor. This goes
5 beyond the scope.

6 THE COURT: Sustained.

7 Q. BY MS. POLK: When questioned by Ms. Do,
8 she used the word -- she talked about your memory
9 and your memory being hazy. When you entered the
10 defendant's sweat lodge, are those events hazy for
11 you today?

12 A. No.

13 Q. At what point in the sweat lodge did
14 things start to get hazy?

15 A. Near the end. And can I explain?

16 Q. Yes.

17 A. When I said "hazy," a part of it was --
18 you know -- stuff happening in complete darkness.
19 So when I say "hazy" -- you know -- if someone was
20 yelling out, I would -- part of the reason I used
21 "hazy" was that I -- you know -- if you asked me
22 what that person's name was or exactly what it
23 said -- they said, I couldn't tell you exactly
24 so -- you know -- because I couldn't see and
25 because there was voices coming from all different

1 **directions.**

2 **Q.** Did things get hazy at some point in the
3 sweat lodge for you?

4 **A. Yes.**

5 **Q.** Do you know when that was?

6 **A. Toward the ends.**

7 **Q.** And Ms. Do asked you in terms of when it
8 was that you passed out, could it have been the
9 fifth, sixth, seventh or eighth round? Do you
10 remember that?

11 **A. Yes.**

12 **Q.** When do you believe you passed out?

13 **A. I believe it was more toward the seventh
14 or eighth round.**

15 **Q.** Ms. Do asked you about the runner's wall.
16 And you said you have experienced that before. Is
17 the runner's wall what you experienced in the sweat
18 lodge?

19 **A. No. It was -- it was way worse than
20 that. Are you talking about at the point which I
21 asked that I needed to get out?**

22 **Q.** Yes.

23 **A. It was way worse than that.**

24 **Q.** Is there any comparison to how you were
25 feeling before you passed out and the runner's

1 wall?

2 **A. It was way worse than the runner's wall.**

3 **Q.** And then, finally, you were asked about
4 the prior sweat lodge that you had attended and you
5 had actually gotten out of, your choice. Do you
6 recall that?

7 **A. Yes.**

8 **Q.** Was that a sweat lodge that you had paid
9 to attend?

10 **A. No. It was not.**

11 **Q.** And was there -- you agreed that there
12 was no medical staff. Who -- who ran that sweat
13 lodge?

14 **A. A friend of mine.**

15 **Q.** Was your expectation that your friend
16 would have medical staff on board for that sweat
17 lodge?

18 **A. No.**

19 **Q.** What was your expectation of a sweat
20 lodge at an event that you had paid --

21 MS. DO: Objection. Relevance.

22 **Q.** BY MS. POLK: -- funds to attend?

23 MS. DO: I'm sorry. Objection. Relevance and
24 beyond the scope.

25 THE COURT: Sustained.

1 **Q.** BY MS. POLK: Mr. Ray, we heard some
2 clips, and you yourself have testified using the
3 words "impeccable" and "playing full on." When you
4 were inside the sweat lodge, did you believe when
5 you got to the point where you felt you needed to
6 get out that that was not living impeccably?

7 MS. DO: Objection. Leading, Your Honor.

8 THE COURT: Sustained.

9 **Q.** BY MS. POLK: Was there any relationship
10 between the phrases that you've used during your
11 testimony -- "playing on" and "living
12 impeccably" -- and how you felt in the sweat lodge
13 at the point where you decided you needed to get
14 out?

15 MS. DO: Objection. Leading.

16 THE COURT: Overruled.

17 You may answer that if you can.

18 THE WITNESS: Could you phrase it a little
19 differently?

20 **Q.** BY MS. POLK: We've heard some clips, and
21 we've heard testimony about the teachings of
22 Mr. Ray. And those teachings included the phrases
23 "living impeccably as a warrior," "playing full
24 on," and "doing whatever it takes to create the
25 life that you want." Do you recall all of that?

1 **A. Yes.**

2 **Q.** At the point in the sweat lodge when you
3 realized you needed to get out, how did you feel
4 about the desire to play on, for example?

5 MS. DO: Objection, Your Honor. Leading.

6 THE COURT: Overruled.

7 You may answer that.

8 THE WITNESS: Well, one of the things that --
9 that kept me in there the whole time was that I had
10 made a commitment to complete the exercise, that I
11 made a commitment to be impeccable, and that I made
12 a -- you know -- I made a commitment that I was
13 going to play full on.

14 And so -- so I had my previous experience
15 in my head and -- and so my commitment -- you
16 know -- my stated commitment to play full on is
17 what really kept me in the round after round when I
18 felt uncomfortable. Up until that point where,
19 then -- you know -- I -- I knew that I needed to
20 get out of there because -- you know -- something
21 was going horribly wrong.

22 **Q.** BY MS. POLK: Thank you, sir.

23 Thank you, Your Honor.

24 THE COURT: Thank you, Ms. Polk.

25 Members of the jury, do any of you have

1 questions for this witness?

2 Okay. Counsel, may Mr. Stephen Ray be

3 excused as a witness?

4 MS. POLK: Yes, Your Honor.

5 MS. DO: Yes, Your Honor. Thank you.

6 THE COURT: Sir, you will be excused as a

7 witness. Do you recall the rule of exclusion that

8 I have explained to you?

9 THE WITNESS: Yes.

10 THE COURT: Did you have any questions about

11 that at all?

12 THE WITNESS: Just -- you know -- if someone

13 calls me about scheduling -- you know -- is it okay

14 to talk about scheduling, just not talk about the

15 trial or anything related to the trial?

16 THE COURT: It's really best to have them

17 refer -- refer them to the attorneys. That would

18 be the best thing to do.

19 Thank you.

20 Ms. Polk or Mr. Hughes.

21 MS. POLK: You want us to call the next

22 witness, Your Honor?

23 THE COURT: If the witness is ready, I would

24 like to proceed for about another 15 minutes or so.

25 MS. POLK: I believe that he is.

1 The state calls Lou Caci, please.

2 Your Honor, may we approach?

3 THE COURT: Yes.

4 (Sidebar conference.)

5 MS. POLK: I'd forgotten that Lou Caci is a

6 witness that did not want to be on camera. I've

7 been taking the time to explain to witnesses what

8 the burden is. And then many of them have realized

9 they can't meet that burden to not be on camera. I

10 realize I have not --

11 THE COURT: We'll take the recess. Let's deal

12 with that.

13 (End of sidebar conference.)

14 THE COURT: Ladies and gentlemen, you can

15 remain standing because we will go ahead and take

16 the recess now. Please be about 25 minutes. So

17 about 20 till. Please be reassembled at that time.

18 Remember the admonition.

19 Thank you.

20 (Proceedings continued outside presence

21 of jury.)

22 THE COURT: Please be seated.

23 I'll note that the jury has left. The

24 attorneys and Mr. Ray are still present. Ms. Polk

25 indicated at sidebar that the next witness had a

1 request about cameras.

2 MS. POLK: Your Honor, I'd like a couple

3 minutes, if I could, just to talk to the witness to

4 make sure that that is his request.

5 THE COURT: Okay. Do that and just let me

6 know. In any event, I want people to take at least

7 a ten-minute break right now.

8 Thank you.

9 (Recess.)

10 THE COURT: The record will show the presence

11 of the defendant, Mr. Ray, the attorneys and the

12 jury.

13 Ms. Polk, you may call your next witness.

14 MS. POLK: The state calls Lou Caci to the

15 stand, please.

16 THE COURT: Okay.

17 Sir, if you please come to the front of

18 the courtroom where the bailiff is directing you.

19 And then raise your right hand and be sworn by the

20 clerk.

21 LOU CACI,

22 having been first duly sworn upon his oath to tell

23 the truth, the whole truth, and nothing but the

24 truth, testified as follows:

25 THE COURT: Please be seated here to my right

1 at the witness stand. The bailiff will again

2 direct you.

3 Sir, please start out by stating and

4 spelling your full name.

5 THE WITNESS: Lou Caci, L-o-u, C-a-c-i.

6 THE COURT: Thank you.

7 Ms. Polk.

8 DIRECT EXAMINATION

9 BY MS. POLK:

10 Q. Good afternoon, sir. Will you start by

11 telling the jury where you live, what community,

12 what country.

13 A. **I live in Winnipeg, Canada.**

14 Q. Are you married?

15 A. **Yes, I am.**

16 Q. Do you and your wife have children?

17 A. **Yes, we do. I have two adopted children.**

18 Q. And how old are your children?

19 A. **Eight and five.**

20 Q. What is your occupation?

21 A. **I'm a senior wealth advisor for a major**

22 **bank-owned firm.**

23 Q. How long have you had that occupation?

24 A. **Time flies. 16 years.**

25 Q. Do you know a man named James Ray?

1 **A. Yes, I do.**

2 **Q.** How did you first come to know him or of
3 him?

4 **A. I first met Mr. Ray in 1992 or '93 at a**
5 **Tony Robbins seminar.**

6 **Q.** How was it that you met Mr. Ray at a Tony
7 Robbins seminar?

8 **A. We befriended each other. I mean, he's**
9 **approachable. He approached me, made me feel**
10 **comfortable, and we became friends.**

11 **Q.** Were you at the Tony Robbins seminar as a
12 participant?

13 **A. Yes, I was.**

14 **Q.** Was Mr. Ray also at the Tony Robbins
15 seminar as a participant?

16 **A. Yes, he was.**

17 **Q.** From there did you come to attend events
18 that were put on by Mr. Ray?

19 **A. Yes, I did.**

20 **Q.** From 1990 -- I think you said 1992 or
21 1993, then how much time passed before you attended
22 an event put on by Mr. Ray?

23 **A. Oh, I believe it was 1995. And it was**
24 **called the "Science of Success."**

25 **Q.** Between the time that you first met him

1 at a Tony Robbins seminar and that first event that
2 you attended, did you develop a friendship with
3 him?

4 **A. Yes, I did.**

5 **Q.** How did you come to learn that Mr. Ray
6 was now putting on events himself?

7 **A. We stayed in touch. He sent me emails,**
8 **kept in contact, sent me a book that he wrote.**

9 **Q.** How many events total from that period of
10 1995 through Spiritual Warrior 2009 put on by
11 Mr. Ray did you attend?

12 **A. I'm guessing about eight or nine.**

13 **Q.** Was there a progression or an order to
14 the seminars or the events put on by Mr. Ray that
15 you attended?

16 **A. Yes, there was. Initially there was.**
17 **There was an order.**

18 **Q.** Will you explain that to the jury.

19 **A. Well, the programs were -- were organized**
20 **where you had to, first of all, learn certain --**
21 **certain things for you to attend the next seminar.**
22 **This goes way back. But I -- I can't quite**
23 **remember.**

24 **But the first seminar was Science of**
25 **Success, which was later called "Power to Win"**

1 **seminar. And then, if I recall, there was Quantum**
2 **Leap. And then the next one after that was**
3 **Creating Wealth. And then there was Spiritual**
4 **Warrior and then Leadership I, Leadership II. I**
5 **can't quite remember. But it was in -- I believe I**
6 **mentioned all of them there.**

7 **Q.** What was your reason for attending these
8 events put on by Mr. Ray?

9 **A. Personal growth and personal development.**
10 **I just wanted to expand my -- my horizons.**

11 **Q.** Did you attend Spiritual Warrior 2009?

12 **A. Yes, I did.**

13 **Q.** And had you previously attended a
14 Spiritual Warrior event?

15 **A. Yes. I believe it was 2003. I believe.**

16 **Q.** And the event you attended in 2003 --
17 where was that held?

18 **A. I remember these huge redwood trees. So**
19 **I believe it was in -- in California. Because I**
20 **remember I had to fly in to Sacramento. Yeah.**
21 **Pretty sure that's where it was. I can't remember**
22 **the -- it was a beautiful park. It was absolutely**
23 **gorgeous there.**

24 **Q.** It was not Arizona?

25 **A. No. I believe not.**

1 **Q.** Ultimately you attended Spiritual
2 Warrior 2009. Was it the same seminar that you had
3 attended in 2003?

4 **A. Some -- some -- some material was the**
5 **same, but a lot of it has changed and there was**
6 **more material.**

7 **Q.** Did the event you attended in 2003 have a
8 sweat lodge component?

9 **A. Yes, it did.**

10 **Q.** What was your reason for attending
11 Spiritual Warrior 2009 if you had already attended
12 in 2003?

13 **A. The materials changed and there was more**
14 **to learn. And I guess as James grew and learned**
15 **more material. He passed that along to his -- his**
16 **clients, his participants.**

17 **Q.** By "James," you mean James Ray?

18 **A. Yes. James Ray.**

19 **Q.** And you said he passed it on to his
20 clients. Did you consider yourself a client?

21 **A. Well, yeah. I paid for the seminars.**
22 **I'm a client.**

23 **Q.** Okay. Speaking of paying for the
24 seminars, do you know how much you paid to attend
25 Spiritual Warrior 2009?

- 1 **A. Yeah. Almost \$10,000.**
- 2 **Q. Do you know when it was that you signed**
- 3 **up to attend Spiritual Warrior 2009?**
- 4 **A. I believe it was at -- I attended**
- 5 **Quantum -- I attended -- was it Quantum Leap? I**
- 6 **attended an event with my wife. So I believe it**
- 7 **was in 2009 -- no. No. No. I'm sorry.**
- 8 **It was -- I think it was either 2008**
- 9 **or 2009. I can't remember the time line, the time**
- 10 **frame. I have to go back and look at my Visa**
- 11 **statements.**
- 12 **Q. That's okay. At Spiritual Warrior 2009,**
- 13 **do you recall that it was held between October 3rd**
- 14 **and October 8th or 9th of 2009?**
- 15 **A. Yes, I do.**
- 16 **Q. Did you arrive at the property at Angel**
- 17 **Valley Retreat on October 3rd?**
- 18 **A. Yes. Yes, I did. Because I arrived the**
- 19 **same day. And that evening we had a -- a session,**
- 20 **which I remember.**
- 21 **Q. Okay. What do you remember about it?**
- 22 **A. There was an exercise we had to do.**
- 23 **Q. Was that exercise a head-shaving**
- 24 **exercise?**
- 25 **A. Yes, it was.**

- 1 **Q. Did you participate in the head shaving?**
- 2 **A. Yes, I did.**
- 3 **Q. Was that difficult for you?**
- 4 **A. Absolutely.**
- 5 **Q. And tell the jury why.**
- 6 **A. Well, I'm -- I know the lesson that was**
- 7 **required, it was to detach yourself from your**
- 8 **stuff. And -- but for me it was -- one of the**
- 9 **toughest things was because I'm in a -- I'm an**
- 10 **investment advisor. And I have to -- you know -- I**
- 11 **have to portray that I'm conservative. And I am.**
- 12 **It was -- it was a tough exercise I must admit.**
- 13 **I learned a lot from it. But it was --**
- 14 **it was absolutely tough. I mean, I -- I know why**
- 15 **it was tough. I was worried about what everybody**
- 16 **else was -- was -- was going to think of me.**
- 17 **Q. Everybody else back home?**
- 18 **A. Yeah.**
- 19 **Q. Why did you do it, then?**
- 20 **A. Well, I did it because -- you know --**
- 21 **I'm -- I'm here to learn. I'm here to grow. And I**
- 22 **paid \$10,000; so I'm going to play.**
- 23 **Q. Okay. We've heard testimony about some**
- 24 **other exercises including Holosync, a meditation,**
- 25 **and Holotropic breathing. Did you participate in**

- 1 **those?**
- 2 **A. Yes, I did.**
- 3 **Q. Did you also participate in the**
- 4 **vegetarian diet?**
- 5 **A. Yes.**
- 6 **Q. Are you vegetarian?**
- 7 **A. No, I'm not.**
- 8 **Q. Did you participate in the Samurai Game?**
- 9 **A. Yes, I did.**
- 10 **Q. And how was that game for you?**
- 11 **A. It was good. I -- for me -- I'm a team**
- 12 **player. So I really learned a lot about myself --**
- 13 **you know -- being a team player. And I was able to**
- 14 **take what I learned from that and apply it.**
- 15 **Q. Did you die in that game?**
- 16 **A. Did I die? No. I was a ninja. I**
- 17 **remember that.**
- 18 **Q. Tell the jury what that meant to be a**
- 19 **ninja.**
- 20 **A. Well, a ninja was -- was -- a ninja was**
- 21 **supposed to go around and if you made eye contact**
- 22 **with individuals, then they were to die. So -- I**
- 23 **can't remember all the names of all the other**
- 24 **characters of this game.**
- 25 **The background of this game, I guess,**

- 1 **was -- Mr. Ray had explained that he did this and**
- 2 **he was in the corporate world as well. They played**
- 3 **this game as well. So we played this game the**
- 4 **exact same way that it was played, I guess.**
- 5 **Q. Is that what Mr. Ray told you, that he**
- 6 **was playing it the exact way that it was played in**
- 7 **the corporate world?**
- 8 **A. Well, I -- I can't say exact for sure**
- 9 **because I don't know.**
- 10 **Q. Was that your impression?**
- 11 **A. Well, yeah. I have no other basis to --**
- 12 **to go on. So I guess what he said is what we --**
- 13 **you know -- I guess. His explanation was that**
- 14 **it -- you know -- this is the game. Then we took**
- 15 **it as is, at face value.**
- 16 **Q. Did you also participate in the Vision**
- 17 **Quest?**
- 18 **A. Yes, I did.**
- 19 **Q. How was that for you?**
- 20 **A. Well, the Vision Quest, I thought, was --**
- 21 **was very interesting. It's my understanding that**
- 22 **it's a practice that's used by, I guess, the Native**
- 23 **American culture. What I found profound for me was**
- 24 **you get to -- you get to be by yourself and**
- 25 **reflect, write in your journal. We had to do this**

1 exercise where we had to do some recapitulation --
2 you know --

3 Q. Did you follow the rules during the
4 Vision Quest?

5 A. Yes, I did.

6 Q. You stayed in your -- the medicine wheel
7 the whole 36 hours?

8 A. The whole 36 hours.

9 Q. Did you have anything to eat or drink
10 during that 36 hours?

11 A. Nothing.

12 Q. Did you -- how much sleep had you had
13 prior to the Vision Quest? Did you stay up in the
14 night writing?

15 A. No. You couldn't. It was dark. It was
16 only during the day.

17 Q. And, I'm sorry. I'm not clear. Prior to
18 the Vision Quest you talked about recapitulations.
19 Did you stay up, go to the dining hall to -- to
20 write?

21 A. Oh, yeah. Yeah. We did that. Yeah.
22 And how much sleep did I have? I don't know.
23 Probably not a whole lot. I can't -- three, four
24 hours a night, five hours. Depends.

25 Q. Is that because you were up writing?

1 A. Yes.

2 Q. Did you know that a sweat lodge ceremony
3 was coming after your Vision Quest?

4 A. Well, I had -- I had an idea it was
5 coming because I -- I did something similar in
6 2003. So I had an idea that it was -- it was going
7 to be a sweat lodge.

8 Q. And in 2003 did the sweat lodge follow
9 this 36-hour period of fasting?

10 A. I can't remember that.

11 Q. Did you make an attempt to hydrate since
12 you had an idea the sweat lodge was coming?

13 A. Yes. I -- you know -- I came back and I
14 drank a lot of water. Well, as much as I could
15 anyway.

16 Q. When did you find out for sure that the
17 sweat lodge was going to be the afternoon of
18 October 8th?

19 A. When -- I'm sorry. Could you repeat
20 that. I'm sorry, Sheila.

21 Q. When did you find out for sure that the
22 sweat lodge ceremony was going to be held on the
23 afternoon of October 8th?

24 A. Well, we -- we came back. I had a
25 shower, had some breakfast. Then we went into

1 classrooms heading for bed. And then we -- we had
2 lunch. And then it -- it was right after lunch.
3 But it was during the classroom setting that he
4 said, well -- you know -- this afternoon we're
5 going to do the special practice.

6 Q. Do you believe that you did have lunch on
7 that Thursday before the sweat lodge?

8 A. Well, I had a little bit to eat. You
9 know, we were told not to eat a whole lot
10 because -- you know -- it would be a good idea not
11 to eat a whole lot.

12 Q. You had a classroom setting where
13 Mr. Ray, the defendant, told you about what to
14 expect in the sweat lodge. Do you remember the
15 things that Mr. Ray said to you then?

16 A. What to expect in the sweat lodge.

17 Q. Let me just ask you first. Do you -- do
18 you remember that session where Mr. Ray talked to
19 you about the sweat lodge and what was coming up?

20 A. Yes. He did. He talked -- he gave a
21 history of it, what it meant -- I don't know if I
22 need to explain that -- and then he talked about
23 what we were -- what we were -- during the Vision
24 Quest we -- we had -- we had seven pouches that we
25 created with tobacco. And we tied them up on a

1 string. Then we had to set our intentions and our
2 goals.

3 And those seven pouches represented the
4 four directions plus -- well, engagement,
5 transformation, vision, and -- and result. And
6 then -- and then the sixth pouch represented --
7 going from memory here. Your -- oh. Yeah. The
8 sixth represented working from -- getting out of
9 your head and working from your heart was one of
10 the practices.

11 And then the seventh one was asking your
12 higher conscious, or God, however -- whatever
13 reference you put to that. For me it's God. But
14 asking him for his guidance.

15 Q. Who told you what the seven pouches
16 represented?

17 A. Who -- who told me? Well, it was taught
18 by Mr. Ray.

19 Q. Okay. And that -- was that part of
20 Spiritual Warrior 2009?

21 A. Yes.

22 Q. Before you went on your Vision Quest,
23 then, had there been a session where you talked
24 about the pouches and what they represented?

25 A. Before 2009? I'm sorry.

1 Q. I'm not being very clear. During the
2 events of Spiritual Warrior 2009, was there a
3 classroom lecture or a session where Mr. Ray told
4 you what each of these pouches represented?

5 A. Yeah. Absolutely.

6 Q. And that was before the Vision Quest?

7 A. Yes.

8 Q. Did you work, then, on your pouches on
9 the Vision Quest?

10 A. Well, yeah. That's -- yeah. That was --
11 I did. That was the point of the exercise.

12 Q. And then before you went in the sweat
13 lodge, you just testified that Mr. Ray told you
14 about what to expect inside the sweat lodge?

15 A. Well, what to expect. What the sweat
16 lodge represented was the womb of Mother Earth.
17 And what you're doing is you're going in there and
18 you're -- and you're setting your -- your -- it's a
19 practice. It's a -- it's a practice for praying,
20 setting your intentions.

21 And what the sweat is about is going into
22 an altered state. And you set your intentions and
23 you focus on your intentions and what you want to
24 accomplish and achieve. I'm trying to recollect
25 all this because it was hot in there.

1 Q. And we'll get to that. But before we do,
2 going back to 2003, did Mr. Ray talk to you about
3 the sweat lodge then before you entered it? If you
4 can --

5 A. Yes. Yeah. He did. You know, because
6 it -- he had to -- I think the proper thing --
7 well, I know he did because he had to -- you
8 know -- everything was -- was taught in lessons.
9 So he -- he set us up for what was -- what we were
10 supposed to do.

11 Q. Do you recall if what Mr. Ray told you
12 in 2009 before you entered the sweat lodge was the
13 same things that he had told you -- were the same
14 things he had told you before you did the sweat
15 lodge in 2003?

16 A. It was long ago. But there was -- there
17 was a lot of things that were very similar. So I
18 would have to say yes.

19 Q. Okay.

20 A. Okay?

21 Q. What was your expectation of yourself
22 when you entered the sweat lodge in 2009?

23 A. Well, are you wanting -- are you wanting
24 me to tell you my -- my intentions, what my goals
25 were?

1 Q. No. I want -- what did you expect of
2 yourself and what you would do inside the sweat
3 lodge when you entered it in 2009?

4 A. Well, I was expecting myself to finish
5 it.

6 Q. Why were -- why were you expecting to
7 finish it?

8 A. Well, I guess -- I guess I was expecting
9 myself to finish it because I became so attached
10 to -- to my intentions and what I wanted to
11 accomplish in the real world. So that was -- that
12 was my goal, my intention.

13 And when I got injured, I -- knowing what
14 I know now, I don't know why I went back in. I
15 mean because --

16 Q. And we'll get to that too. But why --
17 when you entered the sweat lodge in 2009, why in
18 your mind were you equating finishing the sweat
19 lodge with success in your life?

20 A. Well, we were told to play full on.
21 Okay? So --

22 Q. Told by whom?

23 A. Mr. Ray.

24 Q. Okay.

25 A. Okay? We were told to play full on.

1 Which -- which is what I wanted to do. So -- so
2 that was my expectation.

3 Q. In 2003 did you stay in Mr. Ray's sweat
4 lodge the whole time?

5 A. Yes, I did.

6 Q. Was that difficult?

7 A. Well, it -- it was. I was -- I was -- I
8 was fortunate because I remember this. I was able
9 to -- to -- when -- when the flap opened, I was the
10 one bringing in the rocks.

11 Q. In 2003?

12 A. In 2003. So I guess they referred to
13 that as the "fire keeper," I guess. So I -- I
14 had -- I mean, the flap was open when -- so I made
15 sure I got some air.

16 Q. All right. How did you get the job in
17 2003 of being the one to bring in the rocks?

18 A. How?

19 Q. Yes. How did --

20 A. I -- I guess I was chosen. I --

21 Q. Do you know who chose you?

22 A. Well, Mr. Ray chose me.

23 Q. And in 2009 was it a participant to the
24 event who had the job of bringing in the rocks, if
25 you know?

1 **A. You know, I -- I can't remember. I can't**
2 **remember right now.**

3 **Q.** As you entered the defendant's sweat
4 lodge in 2009, did you feel safe?

5 **MR. LI:** Your Honor, I'm just going to object
6 to the constant calling of the sweat lodge as the
7 defendant's sweat lodge.

8 First of all, it's Mr. Ray. Second of
9 all, it's actually built by Angel Valley. I think
10 we've established that long enough.

11 **THE COURT:** Could you rephrase the question,
12 Ms. Polk?

13 **Q.** BY MS. POLK: Did you feel safe in 2009
14 when you entered the sweat lodge?

15 **A. Yes.**

16 **Q.** And tell the jury why.

17 **A. Well, I had the experience of doing it in**
18 **2003. I mean, it was mentioned that this one --**
19 **you know -- his sweat lodges are a lot hotter**
20 **than -- than normal sweat lodges.**

21 **Q.** When was that mentioned?

22 **A. Before we went into -- before we had**
23 **actually -- that morning.**

24 **Q.** Do you recall who said that?

25 **A. Well, Mr. Ray said that.**

1 **Q.** Okay.

2 **A. So --**

3 **Q.** Well, knowing that he had told you his
4 were hotter than anybody else's, why did you still
5 feel safe going in?

6 **A. Because he's -- he's -- he's facilitating**
7 **the sweat lodge. I mean, I trust that he knows**
8 **what he's doing. So --**

9 **Q.** We're going to put up on the overhead
10 Exhibit 414. And this is a very simple diagram of
11 the sweat lodge. As you can see, over here to the
12 right of the screen is the -- where the entrance
13 would be.

14 **A. Correct. Yeah.**

15 **Q.** And if you would just take a moment to
16 orient yourself. Looking at this diagram, can you
17 illustrate to the -- first of all, we know that
18 participants lined up and entered the sweat lodge
19 in the afternoon of October 8th. Do you recall
20 where you were in the lineup of people?

21 **A. No.**

22 **Q.** Do you recall how it is that you went
23 into the sweat lodge?

24 **A. Well, we had to enter clockwise.**

25 **Q.** Okay. Will you illustrate, just draw

1 right on with your finger on the monitor how you
2 entered, what path you took and where you ended up.

3 **A. Okay. We crawled in and we entered this**
4 **way. And I ended up right about there.**

5 **Q.** Did you know the people around you,
6 Mr. Caci?

7 **A. Yes. To my right was -- I believe he was**
8 **on -- yeah. He was on my right -- was Bill**
9 **Leversee. Or maybe he was on my left. I can't**
10 **quite remember. It's in the -- it's in the**
11 **transcript.**

12 **Q.** Okay.

13 **A. Okay? And -- and on my left or right was**
14 **Linda.**

15 **Q.** Do you know Linda's last name?

16 **A. Unfortunately I don't.**

17 **Q.** Did you know somebody named James Shore?

18 **A. Yes. He was my roommate.**

19 **Q.** How much time did you spend with James
20 Shore the week of October 2009?

21 **A. Well, we spent a fair amount of time**
22 **together. You know, we -- we -- we were always in**
23 **session and -- and we were always -- you know -- in**
24 **the dining room writing for long periods of time.**
25 **So -- you know -- we had to keep silent, contained**

1 **it to our work.**

2 **But we came back to the room. And we --**
3 **we -- we were able to chat a bit. And I got to**
4 **know him a little bit. He ran a -- I believe he**
5 **ran a computer -- successful computer company in**
6 **Milwaukee, if I recall. And he had three children**
7 **and --**

8 **Q.** Did you learn whether he had a wife?

9 **A. Yes.**

10 **Q.** Did James Shore actually do work on his
11 computer company during that week?

12 **A. Yeah. If I recall, he did. I remember**
13 **him going back to -- I -- I guess it was the**
14 **main -- the main area where he was able to get**
15 **WiFi.**

16 **Q.** Would WiFi be wireless internet
17 connection?

18 **A. Yes. That's about the extent of my**
19 **technology.**

20 **Q.** You remember James trying to get access
21 to the internet? James Shore.

22 **A. Yes. Yeah.**

23 **Q.** Do you know what he was working on?

24 **A. Well, I know he had to -- I think he**
25 **mentioned he had to finish a proposal for a major**

1 client, if I recall.

2 Q. Do you know when --

3 A. You know, I can't really remember. I
4 mean, we had conversations. I know he was doing
5 work stuff. So either it was a proposal or -- you
6 know -- probably getting back to an important
7 client or --

8 Q. I understand.

9 A. One of those things in business.

10 Q. Do you know when it was that James Shore
11 found time to work on his business?

12 A. Well -- you know -- it's kind of
13 interesting because I guess -- you know -- rather
14 than probably going into the dining room writing, I
15 think he worked on his business.

16 Q. Do you know where James Shore was in the
17 sweat lodge?

18 A. I do not know.

19 Q. Did you know somebody named Kirby Brown?

20 A. Yes, I did.

21 Q. Do you know where Kirby was in the sweat
22 lodge?

23 A. I don't.

24 Q. Did you know someone named Sidney
25 Spencer?

1 A. Yes.

2 Q. Do you know where Sidney Spencer was in
3 the sweat lodge?

4 A. I don't.

5 Q. We have heard that there were actually
6 two rows in the sweat lodge.

7 A. Uh-huh.

8 Q. Which row were you in?

9 A. Well, I was in the -- I was in the back
10 row. And then about two or three sessions into the
11 sweat lodge, there was a couple in front of me. I
12 believe it -- no. It was Mike and Anita. Mike
13 felt it was really hot and he asked to switch. And
14 I said, sure. And I switched with him.

15 Q. Do you know Mike's last name?

16 A. I -- I don't. But I know that they lived
17 in Toronto.

18 Q. Does Mike Olesen sound familiar to you?

19 A. I can't remember.

20 Q. It's okay.

21 A. I don't know.

22 Q. It's okay if you don't remember.

23 A. I don't.

24 Q. Just show us -- we'll get you a new
25 color. Show where Mike was and then where you

1 ended up after you switched with Mike.

2 A. Well, Mike and Anita were in front of me
3 and then -- then we switched. Then I went there
4 and he went back there.

5 Q. Do you know what round, Mr. Caci, it was
6 that you switched with Mike?

7 A. I can't quite remember. I know it was
8 hot. And maybe it was the second or third round.

9 Q. Let's first start with the first round.

10 How were you feeling after the first round?

11 A. I felt really lightheaded. I had to
12 apologize to Bill because I ended up urinating. He
13 says -- and he says -- I remember his words. Don't
14 worry about it, brother. We'll get through.

15 Q. Had anybody talked to you and the other
16 participants about what to do if you had to urinate
17 while you were in the sweat lodge?

18 A. No. I mean -- no.

19 Q. Okay.

20 A. I didn't expect it.

21 Q. Okay. As of that first round in 2009,
22 was it different than what you remembered from 2003
23 being in the prior sweat lodge with Mr. Ray?

24 A. Well, I found -- I found 2009 a lot
25 hotter than -- than 2003. But maybe it's because

1 where I was positioned.

2 Q. The sweat lodge in 2003. Did it compare
3 in size to the sweat lodge in 2009?

4 A. No. It was a smaller group.

5 Q. Do you recall approximately how many
6 people in 2003 were in the sweat lodge with you?

7 A. Maybe about 20 -- 20, 25 participants.

8 Q. Okay. And at what point in 2009 did it
9 seem hotter to you than 2003?

10 A. Probably after the second -- second
11 round.

12 Q. Did you think about getting out in 2009?

13 A. No. Because I wanted to finish it. I --
14 I did think about pulling up the flap and trying to
15 get some air.

16 Q. When did you think about doing that?

17 A. After the second session.

18 Q. Did you try that?

19 A. I put my head to the ground to try and --
20 where it was cooler.

21 Q. What round was it when you switched
22 places with Mike and Danita?

23 A. It -- it could have been the second or
24 third round.

25 Q. Do you know at what point it was that you

1 laid down trying to get air near the ground?
 2 **A. Probably the first round because it was**
 3 **hot.**
 4 **Q.** It was hot?
 5 **A. Yeah.**
 6 **Q.** What happened after you tried to get air
 7 near the ground by lying down?
 8 **A. Nothing. It just felt cooler. That's**
 9 **what I remember.**
 10 **Q.** Okay. And then anything else happen that
 11 round after you laid down?
 12 **A. Well, I can't remember whether it was the**
 13 **first or second round where I had -- I urinated.**
 14 **Q.** When you switched places with Mike and
 15 Danita and you moved closer to the pit, did you
 16 feel a difference in the air temperature then?
 17 **A. Well, it was hot in there. To specify**
 18 **the -- the -- how hot it was, all I can say, it was**
 19 **hot. And it was a lot hotter. I mean, to specify**
 20 **in terms of measurements how many -- how many**
 21 **degrees Fahrenheit it was, I don't know.**
 22 **Q.** When -- did the flap open during -- or
 23 between rounds?
 24 **A. Yes, it did.**
 25 **Q.** From your position near the back of the

1 tent, could you feel any air, fresh air?
 2 **A. Very little.**
 3 **Q.** At some point did something happen to
 4 you?
 5 **A. This is -- this is what I remember. I**
 6 **remember the flap opening.**
 7 **Q.** Do you know what round it is that you're
 8 remembering this?
 9 **A. It either was the -- I would say the**
 10 **fourth or fifth round. I would say probably the**
 11 **fourth.**
 12 **Q.** Okay.
 13 **A. And I do -- I do remember I was --**
 14 **obviously I was woozy. And when I -- what I recall**
 15 **is -- well, this is what I was told is that as soon**
 16 **as the flap opened --**
 17 **MR. LI:** Objection, Your Honor. Sounds like
 18 hearsay, "what I was told."
 19 **THE COURT:** Sustained.
 20 **Q.** BY MS. POLK: Just from your --
 21 **A. Well, when I -- when the flap opened, I**
 22 **went right for the rocks.**
 23 **Q.** Do you remember, Mr. Caci, when the flap
 24 opened what you were intending to do, what you were
 25 thinking?

1 **A. I thought it was over.**
 2 **Q.** You thought the ceremony was over?
 3 **A. I thought the ceremony was over.**
 4 **Q.** And then what did you do thinking that
 5 the ceremony -- do you know why you thought the
 6 ceremony was over?
 7 **A. I don't know why. It's just -- that's**
 8 **what I thought.**
 9 **Q.** Do you know what your mental condition
 10 was at that time?
 11 **A. There's a period of time I don't remember**
 12 **certain things.**
 13 **Q.** Okay.
 14 **A. What I -- what I remember is -- and I --**
 15 **it's what woke me up, I think, is my hand going in**
 16 **the rocks. That's what I remember. Because I --**
 17 **it was painful.**
 18 **Q.** Right. And prior to your waking up with
 19 your hand going in the rocks, you thought the
 20 ceremony was over?
 21 **A. Yeah. I -- that's what keeps playing in**
 22 **my mind.**
 23 **Q.** Okay. How were you feeling at the point
 24 when you thought the ceremony was over before you
 25 hit the rocks?

1 **A. I don't remember.**
 2 **Q.** That's okay. Tell the jury what you then
 3 remember about the rocks.
 4 **A. Well, I remember -- I remember the pain.**
 5 **And -- well, when I -- I guess I can't remember**
 6 **when I -- from the point when I -- my hand hit the**
 7 **rock -- hit the rocks. Pardon me. There's a**
 8 **period of time between that point and going out of**
 9 **the sweat lodge. It was very vague. But I**
 10 **remember somewhat crawling out. I -- I can't quite**
 11 **remember.**
 12 **And then I remember my hand -- when I was**
 13 **out, my hand going into a big pail of water. And**
 14 **they were spraying water all over me. That's what**
 15 **I remember. And I was -- and I -- I was real**
 16 **delirious.**
 17 **Q.** When your hand went onto the rocks, do
 18 you know how you got out -- back out of the pit?
 19 **A. I think I crawled. I think there was --**
 20 **there was -- some of the participants were helping**
 21 **me out.**
 22 **Q.** Do you know if you said anything when
 23 your hand went in the rocks?
 24 **A. I think I screamed. Like I said I --**
 25 **there's -- there's -- there's a moment where I**

1 **couldn't remember anything.**

2 **Q.** I understand. I'm going to find a
3 photograph. Just a moment, Mr. Caci.

4 **MS. POLK:** Your Honor, counsel has agreed to
5 admit Exhibit 328.

6 **THE COURT:** 328 is admitted.
7 (Exhibit 328 admitted.)

8 **Q.** BY MS. POLK: Mr. Caci, the pit that was
9 in the sweat lodge -- was it below surface?

10 **A.** Yes, it was.

11 **Q.** And I want to put up on the overhead
12 Exhibit 328. My question is, how -- if you went
13 into the pit with your arm, do you know how you got
14 back out?

15 **A.** Well, I believe my -- well, again, you
16 know what. I can't really remember. I believe my
17 arm fell or hit the rocks here right around here.
18 So, I mean, I -- I just thank God I didn't crawl
19 right in there. I guess I'm fortunate I only burnt
20 my right arm.

21 **Q.** Do you know how you got out of the tent
22 to the outside after you burned your arm?

23 **A.** You know, as I mentioned, there's -- I
24 believe -- I believe I was somewhat crawling out,
25 and I believe some people were helping me out.

1 **Q.** Do you have an actual memory of that
2 today, of somebody helping you out?

3 **A.** A concise memory of it? No, I don't. I
4 can't honestly say how I got out.

5 **Q.** And once you got outside, what's the
6 first memory you have today about what happened
7 once you got out of the tent?

8 **A.** I do remember them spraying water on me.
9 And then I went up to one of the ladies there, and
10 I said, why is this happening? I -- I don't know
11 why I said that. But I do remember -- I do
12 remember myself saying that, why is this happening?
13 Why is this happening? And then they sat me down
14 and my arm went right in the bucket of -- of water.

15 **Q.** Okay. Do you recall the pain -- do you
16 recall experiencing pain once you were outside?

17 **A.** Oh, yeah.

18 **Q.** And do you know if you were vocalizing
19 that in any way once you were outside?

20 **A.** I was shaking.

21 **Q.** And were you -- you -- you mentioned
22 screaming inside. Did you scream outside as well,
23 if you know?

24 **A.** Well, I -- I was -- I was going -- you
25 know. I was echoing a few things. I can't quite

1 **remember what I was saying exactly, but it was --**
2 **it was painful.**

3 **Q.** You used the word a few moments ago
4 "delirious." When was it that you were delirious?

5 **A.** Well, as soon as the flap opened, I
6 saw -- I saw the light and I went right for it.

7 **Q.** Once you were outside, were you still
8 delirious?

9 **A.** I was for a bit. And then I was -- I
10 don't know if I was in shock. There was a period
11 of time there where I guess because my arm was numb
12 and I was shaking because I was cold because it was
13 a bucket of ice. I was shaking. So I can't -- I
14 can't remember whether it was -- maybe because I
15 was in shock. I remember pulling my arm out, and I
16 seen my skin hanging there.

17 **Q.** And let's talk a little bit about the
18 injury itself. Describe for the jury what your arm
19 looked like.

20 **A.** Well, there was -- I saw -- I saw my
21 flesh and skin was just hanging there.

22 **Q.** What parts of your arm was skin hanging
23 there?

24 **A.** What parts?

25 **Q.** Yes.

1 **A.** Right along the wrist here. And I got
2 burnt here, here, and here.

3 **Q.** Down on the elbow?

4 **A.** Down on the elbow.

5 **Q.** How extensive was the skin hanging? How
6 extensive was it?

7 **A.** Well, if the scar is from here to here.
8 So I guess all the skin was pushed back. I guess
9 the way my arm hit -- hit the rocks. There was --
10 and it's interesting. It was in spots. It was
11 here, here, and here. It wasn't one complete burn.
12 Thank goodness.

13 **Q.** And the photograph that's up on the
14 overhead obviously is not -- those are not the
15 heated rocks. The pit that you fell into, were the
16 rocks heated?

17 **A.** Well, yeah. Yes, they were.

18 **Q.** Who tended to you outside?

19 **A.** It was -- it was Belinda, if I recall.

20 **Q.** Melinda?

21 **A.** Yeah. I'm sorry. Melinda.

22 **Q.** Okay. That's okay. Anybody else?

23 **A.** I can't remember. There was so much
24 going on. I believe there was another one of the
25 Dream Team members there brought me some -- some

1 oranges because there was some cut-up fruit there
2 for us, I guess, to get the electrolytes back in
3 your body again. I don't know.

4 Q. Do you recall if you ate the oranges?

5 A. Yeah. I remember having a couple.

6 Q. Did anybody call a doctor?

7 A. No.

8 Q. Was there a doctor on scene there to tend
9 to your burns?

10 A. Not that I know of.

11 Q. So other than putting your arm in a
12 bucket of water and bringing you an orange, was
13 anything else done for you?

14 A. They were spraying water on us, and that
15 was it. They kept checking and seeing how I was
16 doing. That was -- that was about it.

17 Q. And how were you doing?

18 A. At first I -- I really didn't know where
19 I was. And then when I began to, I guess, get my
20 wits together, I kind of knew what happened.
21 And -- and for a while there I -- for a while I
22 couldn't understand what had happened. But then I
23 understood what happened. I was in pain. I guess
24 I was in shock.

25 I do remember people coming out yelling

1 and screaming. And I remember this young girl from
2 Miami. She was -- I guess she was Spanish. And
3 she was speaking her own language, and she was
4 crying and -- I don't know. Although I've never
5 been in one, it looked like a battleground.

6 Q. Did Mr. Ray ever come out and check on
7 you?

8 A. No.

9 Q. And did Mr. Ray ever come out and check
10 on the other people you just described?

11 A. No. He continued to facilitate the sweat
12 lodge.

13 Q. What did you do, then, while he continued
14 to conduct his sweat lodge?

15 A. Drank water, ate some oranges, tried to
16 keep my arm clean. I was -- I was walking around a
17 bit trying to help a few others.

18 Q. You described flesh hanging off your arm.
19 What were you doing with your arm while you were --

20 MR. LI: Objection, Your Honor. Misstates
21 testimony. I believe he said skin.

22 THE COURT: Sustained.

23 Q. BY MS. POLK: I'm sorry. You described
24 skin hanging off your arm, Mr. Caci?

25 A. Yeah.

1 Q. And then you just said you were walking
2 around trying to help others. What was happening
3 to your arm and your skin while you were doing
4 that?

5 A. I guess I -- what was happening? I was
6 still able to maneuver my arm. I mean, I'm not --
7 I'm not -- what was happening? I -- I guess
8 because I -- it was in some ice for an extensive
9 period of time. I -- it felt numb. It was still
10 painful, but it felt numb.

11 Q. Did you have exposed flesh?

12 A. Yes, I did.

13 Q. Were you conscious of trying to guard it
14 against infection or other contaminants?

15 A. Probably not.

16 Q. And did anybody from Mr. Ray's staff talk
17 to you about the need to take care of your burn?

18 A. No.

19 Q. Who did you help? Do you know? Were you
20 able to help others as you walked around?

21 MR. LI: Your Honor, I'm going to object as
22 ambiguous. I'm not sure what time we're talking
23 about.

24 THE COURT: Foundation. Sustained as to
25 foundation of time.

1 Q. BY MS. POLK: You talked about walking
2 around helping others. Do you know where in terms
3 of --

4 A. Well -- you know -- I can't -- I can't
5 say that I was -- you know -- I was -- I remember I
6 was helping spraying some water, getting water out
7 to -- to folks that needed it. I saw some people
8 breathing heavily and --

9 MR. LI: Your Honor, I think we still need the
10 time frame.

11 THE COURT: Ms. Polk, could you ask a
12 question --

13 MS. POLK: I will.

14 THE COURT: -- about the time frame.

15 Q. BY MS. POLK: When was it that you saw
16 some people breathing heavily?

17 A. Well, while I had my -- I don't know. I
18 guess it was between the fifth or sixth rounds. I
19 was out -- I was out of there and I was sitting
20 there. I remember where I was -- where I was
21 sitting. I was sitting right here, and the sweat
22 lodge was happening right here.

23 Q. About how many feet would you say you
24 were from the sweat lodge?

25 A. I'd say from -- from me to you.

1 Q. Did you hear anybody saying anything
2 inside the sweat lodge during that time?

3 A. I heard, you're more than that. I heard
4 one of the -- I believe it was one of the
5 participants -- and I don't know for sure -- It's a
6 good day to die.

7 Q. Do you know when --

8 A. So let -- I'd like to explain that a
9 little bit because --

10 Q. Please.

11 A. -- I don't want there to be -- you
12 know -- a good day to die to I sound like it's --
13 what the sweat lodge represents is you go in there.
14 You set your intentions. Okay? And you come out
15 reborn.

16 So it's a -- it's a -- it's a metaphor,
17 It's a good day to die. It just -- it's just a
18 metaphor to let go of your old limiting beliefs and
19 to come out of there reborn with new -- with new
20 intentions and new beliefs.

21 Q. Do you know about what round it was that
22 you heard someone from the inside say, it's a good
23 day to die?

24 A. I'm sorry. I don't.

25 Q. Do you recall hearing anything else from

1 inside the sweat lodge when you were outside?

2 A. No.

3 Q. Did there come a time that you went back
4 in the sweat lodge?

5 A. Yeah. I did.

6 Q. When was that?

7 A. I went back in on the last round. I --

8 Q. And before we talk about your decision to
9 go back in, did Mr. Ray say anything before the
10 end -- before he began his last -- last round?

11 A. Did he say anything to me?

12 Q. To anybody.

13 A. Not that I can recall. I went in on my
14 own. It was my own decision.

15 Q. How did you know that you could go back
16 in for the last round?

17 A. How did I know? I guess I didn't. But
18 I -- it's --

19 Q. Let me ask you another question. How did
20 you know it was the last round? Or did you?

21 A. I -- I kind of knew it was because it
22 was -- I guess I knew because I -- I remember
23 hearing that.

24 Q. That it was the last round?

25 A. Yes.

1 Q. Do you know who you heard that from?

2 A. No, I don't.

3 Q. Okay. So tell the jury, then, what you
4 decided to do before the last round began.

5 A. You know, I've -- I've been playing this
6 in my own mind. I really don't know why I went
7 back in. But I guess -- I don't know if any of you
8 have ever played any organized sports. But it's --
9 it's more of a selfish thing. But I guess when
10 you're injured, you want to go back in and support
11 the team.

12 And it's not really a team sport, but
13 I -- I went back in because it was something I
14 wanted to -- to complete. It was something I
15 wanted to do. So I guess from all the years I've
16 played organized sports, whether it's soccer or
17 football, and I was injured, I would -- you know --
18 I sucked it up and went -- went back in there. And
19 that's -- and that's what I did.

20 Q. Did anybody from Mr. Ray's staff check
21 you out before you went back in?

22 A. Well, I remember one of the Dream Team
23 members told me not to go back in. I believe it
24 was Jennifer. But I decided to go back in.

25 Q. You testified earlier about the pouches,

1 the seven pouches.

2 A. Uh-huh.

3 Q. Did that affect your decision to go back
4 in?

5 MR. LI: Objection. I'm not sure I understand
6 the question. Form of the question and leading.

7 THE COURT: Sustained as to leading.

8 THE WITNESS: Let me --

9 Q. BY MS. POLK: Let me rephrase -- let me
10 ask you another question.

11 A. Okay. Sure.

12 Q. The decision to go back in. What factors
13 affected your decision to go back in?

14 A. Well, part of being selfish on my part,
15 wanting to go back in is -- yes. I -- I did
16 want to -- I felt I had to go back in to complete
17 my -- my -- my intentions.

18 Q. Can I ask you why?

19 A. Because I wanted -- I wanted to finish.
20 I wanted to play full on. I wanted to complete my
21 task. I wanted to -- and I guess -- I guess at
22 that time I felt in order for -- for me to
23 achieve my --

24 I mean, knowing what I know now, I didn't
25 have to because you don't have to go -- you don't

1 have to do the sweat lodge to -- to -- to achieve
2 your intentions. You know, I went back in. It's
3 because I wanted to finish. I wanted to achieve
4 what I wanted to achieve so I can set that forth
5 in -- in the real world.

6 Q. And let me ask you a couple questions
7 about that. What does that mean? Tell the jury
8 what that means when you say completing your
9 intentions.

10 A. Well, I set certain goals that I wanted
11 to accomplish, and I set certain intentions, and I
12 set -- I asked God, this is what I want to do.

13 Q. You don't need to tell us what your
14 intentions were. But did they relate to why you
15 were at Spiritual Warrior 2009?

16 A. Yes. It was -- it was about -- it's
17 always about growing my business, spiritual growth.
18 Because everything is spirit.

19 Q. Why did you believe that you had to go
20 back in the sweat lodge to complete your
21 intentions?

22 A. I wanted to finish it. And I guess that
23 week it was all about playing full on. It's all
24 about stretching. It's all about growing. It's
25 all about being more than who you really are. So I

1 went back in because I wanted to finish. It's no
2 different than, I guess, going back into a game
3 with a sprained ankle. I remember doing that.

4 Q. You made the statement that as you sit
5 here today, you realize that you did not have to go
6 back in to realize your intentions.

7 A. Well, right. You don't.

8 Q. Do you know why you thought then that you
9 had to?

10 A. Because I guess part of me would have
11 felt -- you know -- I would have been a failure if
12 I didn't finish it. You're playing. You're --
13 you're -- you're entrenched in this process and
14 you're just playing. You -- you want to -- you
15 want to finish.

16 Q. You say --

17 A. And -- and if I didn't go back in there,
18 then I would have -- I probably -- if I didn't go
19 back in there, then I would have thought well, why
20 didn't I go back in there? I didn't want to have
21 any regrets.

22 Q. All right. I understand. When you went
23 back in, do you know what round it was in terms of
24 number rounds?

25 A. Well, if we had seven pouches, then there

1 were seven rounds. That's what the whole intention
2 of it. Was there an extra one? I don't know. I
3 can't remember. I don't think there was. I think
4 it was seven.

5 Q. Was there a specific pouch that you
6 associated with that last round?

7 A. Uh-huh.

8 Q. Did that have something to do with your
9 going back in?

10 MR. LI: Objection, Your Honor. Leading.

11 THE COURT: Overruled.

12 THE WITNESS: I think part of my intention
13 was -- was to go back in is I didn't want to --
14 I -- I guess -- I guess because I didn't want to be
15 thought of as a failure.

16 Q. BY MS. POLK: Who were you -- whose
17 opinion were you concerned about?

18 MR. LI: Objection, Your Honor. Leading.

19 THE COURT: Overruled.

20 Q. BY MS. POLK: Whose opinion were you
21 concerned about if you didn't go back in?

22 A. To me and to Mr. Ray.

23 Q. And by that point in time, how many years
24 had you been friends with Mr. Ray?

25 A. Since 1990 -- 19 -- I mentioned that

1 earlier. 1992 or 1993, if I recall.

2 Q. Okay. When you went back in the sweat
3 lodge, where was Mr. Ray? Let me get the other --

4 A. Well, he was right where the entrance
5 was. Just to -- just to the right of the entrance.
6 Right there.

7 Q. When you went back in, what path did you
8 take?

9 A. I went back in this way. You always have
10 to enter clockwise.

11 Q. Where did you stop?

12 A. Well, I believe I stopped at around -- if
13 this is 6:00 o'clock, between 7:00 and
14 8:00 o'clock. Somewhere around here. Here. I'll
15 put an "X" there. There.

16 Q. Did -- did Mr. Ray say anything to you
17 when you went back in?

18 A. I do remember him saying to me -- you
19 know -- we looked at each other. He said, this
20 one's for you.

21 Q. Did you say anything back?

22 A. Just nodded and -- I -- I guess I just
23 nodded and acknowledged. That was it.

24 Q. How was that last round -- or let me back
25 up.

1 Did -- Mr. Ray didn't stop you from
2 coming back in?
3 **A. No.**
4 **Q.** How was that last round?
5 **A. Well, I was -- I was a bit nervous about**
6 **it, especially when the flap went down. But I said**
7 **I'm going to get through it.**
8 **Q.** In terms of your body temperature, how
9 were you feeling when you went back in?
10 **A. At that point I -- at that point I cooled**
11 **off a fair amount. So I cooled off. I cooled down**
12 **a fair amount. So I -- I thought I felt okay.**
13 **Q.** How was your arm feeling?
14 **A. Painful.**
15 **Q.** Did you have anything wrapped around it?
16 **A. No.**
17 **Q.** When you went back in and took that
18 second position, do you know who was around you?
19 **A. I remember -- when I came back in I**
20 **remember I saw Liz lying there on top of -- I can't**
21 **remember who the lady was. And I remember the lady**
22 **saying, could you help me get Liz off? Can you get**
23 **Liz off me?**
24 **Q.** Do you know Liz's last name?
25 **A. Liz Neuman.**

1 **Q.** Will you draw on the chart where you saw
2 Liz Neuman.
3 **A. I would say -- well, right where -- right**
4 **where I sat. So between 7:00 and 8:00 o'clock. So**
5 **let's say I sat at 7:00. She was at 8:00 o'clock.**
6 **I can't quite remember, but I know it was in this**
7 **vicinity right here.**
8 **Q.** Okay.
9 **A. Okay?**
10 **Q.** Did you get a chance to look at Liz
11 Neuman?
12 **A. Yeah, I did. And I -- you know -- I saw**
13 **Liz, I saw her breathing heavily, and I saw -- just**
14 **because the flap was still up. And it reminded me**
15 **of -- I watched -- I watched my -- my dad and my**
16 **brother. They both passed away from cancer. And I**
17 **watched them during their last stages on -- on how**
18 **heavily they were breathing. And I saw Liz**
19 **breathing that way and -- I just wish I would have**
20 **said something because maybe I would have made a**
21 **difference. I don't know. But that keeps playing**
22 **in my mind.**
23 **Q.** Is that hard for you?
24 **A. Well, yeah. I mean, it's supposed to be**
25 **a positive experience. And knowing what I know now**

1 **that -- you know, I've -- I've spoken to some --**
2 **back home some Aborigines and -- you know -- and**
3 **got their input on how sweat lodges --**
4 **MR. LI:** Objection, Your Honor. Hearsay.
5 **THE WITNESS:** -- you know. And they shouldn't
6 be that hot.
7 **Q.** BY MS. POLK: And let me stop you there
8 from talking about --
9 **THE COURT:** Sustained.
10 **MR. LI:** Move to strike, Your Honor.
11 **THE COURT:** That is granted. That last
12 response is stricken.
13 **MS. POLK:** Yeah.
14 **Q.** Mr. Caci, let me -- let me direct another
15 question to you. How far were you -- in terms of
16 distance, how far were you from Mr. Ray when you
17 went back in the sweat lodge for the last round?
18 **A. I believe I sat right around here.**
19 **Q.** And in terms of --
20 **A. Here or here. Somewhere -- it was right**
21 **in that vicinity. Okay?**
22 **Q.** And in terms of distance in the
23 courtroom, can you show the jury where you were
24 seated and where Mr. Ray was seated.
25 **A. Well, let's assume the flap is here.**

1 **Q.** Could I ask you to get up and point --
2 just touch where you're talking about.
3 **A. Assuming the flap was here, Mr. Ray was**
4 **here, and I was about here.**
5 **Q.** And where do you recall Liz Neuman being?
6 **A. Either to my left or right. But at that**
7 **point -- at that point there was -- there was a lot**
8 **more room in the sweat lodge. So I know I sat**
9 **closer -- a little bit closer to the pit. And I**
10 **believe she was right behind me or to the left of**
11 **me. I can't quite remember, but I know she was**
12 **either to -- you know -- I'm pretty sure she was on**
13 **the left-hand side.**
14 **Q.** Okay.
15 **A. Okay?**
16 **Q.** Can you tell the jury how close the
17 defendant, Mr. Ray, was to Liz Neuman at that
18 point.
19 **A. Well, she was to the left, from here to**
20 **here. It wasn't that far.**
21 **Q.** Okay. Was there anything obstructing
22 Mr. Ray's view or Liz Neuman?
23 **MR. LI:** Objection. Calls for speculation.
24 **THE COURT:** Overruled.
25 If you can answer that, sir -- if you can

1 answer that question, go ahead.

2 Q. BY MS. POLK: Do you know?

3 A. No. I -- I -- I don't think there was
4 anyone in the way. You know, at that point there
5 was -- there was a lot of people out of there. So,
6 I mean, there was very few left over.

7 Q. And when your attention was drawn to Liz
8 Neuman, do you recall if her eyes were opened or
9 closed?

10 A. They were closed.

11 Q. How long would you say the flap was open
12 allowing you to see Liz Neuman?

13 A. 45 seconds maybe. I don't know. I mean,
14 it's tough to -- to measure.

15 Q. You testified that somebody asked you
16 what about Liz Neuman?

17 A. They -- to -- to -- Liz Neuman was -- if
18 I recall she was straight back. Her -- her knees
19 were bent over. Her knees were bent and she was
20 flat -- flat on her back on top of one of the
21 participants.

22 Q. And that -- what did that participant
23 say?

24 A. Can you please help me get Liz off -- off
25 me.

1 Q. Was that comment directed to you
2 personally?

3 A. Well, I believe it was. She needed help.
4 She wanted to get out from underneath her.

5 Q. Well, what about Mr. Ray who was close
6 by?

7 MR. LI: Objection. Leading.

8 THE COURT: Sustained.

9 Q. BY MS. POLK: How loud of a voice did
10 that participant use when she asked you or someone
11 to help get Liz off of her?

12 MR. LI: Objection. Misstates testimony. I
13 believe the witness testified that he believes that
14 the participant was talking to him.

15 THE COURT: As to form, then, sustained.

16 Ms. Polk.

17 MS. POLK: I've forgotten what the question
18 was.

19 (Record read.)

20 Q. BY MS. POLK: When a participant asked
21 for help to get Liz off of her, describe for the
22 jury the voice. How loud?

23 A. How loud?

24 Q. Yes.

25 A. Please move Liz off me.

1 Q. The tone you just used here in court?

2 A. Well, she was seeking help. So it's --
3 the tone would have been in that -- in that
4 response where she was seeking help. Please get
5 Liz off me.

6 Q. Was it hard for you to hear the
7 participant say that?

8 A. No.

9 Q. What did you do?

10 A. I helped. I helped -- I lifted Liz and
11 then -- I can't remember who it was. The lady got
12 out. And I don't know whether she stayed or not.
13 I can't -- I can't recall. And then Liz was there.
14 I laid Liz down.

15 Q. How did you lay Liz down?

16 A. How?

17 Q. Yes.

18 A. Well, we -- I believe someone helped me.
19 Okay? And we just lifted her a little bit and the
20 lady was able to slide out.

21 Q. Do you know what Mr. Ray was doing while
22 you were helping lift Liz Neuman off of another
23 participant?

24 A. No.

25 Q. Do you know if the flap was open or

1 closed when you --

2 A. It was open.

3 Q. Did Liz Neuman say anything?

4 A. She couldn't. Nothing -- she was -- she
5 was breathing heavily. She looked -- she looked
6 unconscious.

7 Q. Mr. Caci, you've -- you've testified
8 about your feelings about your actions and what you
9 wish you would have done. At the time what were
10 you thinking? Do you recall?

11 A. I -- Sheila, I -- you know -- I -- I
12 can't recall what I was thinking. I don't know
13 what I was thinking.

14 Q. Who do you --

15 A. I -- I -- I guess I wanted to finish and
16 complete my assignment. I think she should have
17 been out of there.

18 Q. Do you recall if you thought that at the
19 time?

20 A. I knew there was -- I felt -- not that I
21 felt. Just by looking at her, I knew there was
22 something wrong just because of that look. The way
23 she was breathing and that look, it just reminded
24 me of how I saw my dad and my brother take -- take
25 his last breath, when they were in their last

1 moments. It's just the way they breathe. It
 2 was -- and the other -- and she wasn't -- she
 3 wasn't coherent.

4 Q. Did Mr. Ray begin the last round?

5 A. Yes. Yes, he did.

6 MS. POLK: Your Honor, do you want me -- it's
 7 5:02.

8 THE COURT: Yes. It's 5:00 o'clock. Thank
 9 you, Ms. Polk.

10 Ladies and gentlemen, we will take the
 11 evening recess now. Please remember all aspects of
 12 the admonition. Be in the jury room at 9:15.
 13 We'll start as soon as we can after that.

14 I want to speak with Mr. Caci briefly
 15 about the rule of exclusion of witnesses, which has
 16 been invoked in this case. As you know, that means
 17 you cannot communicate with any other witness about
 18 this case or your testimony until the trial is
 19 completed.

20 It's a good idea not to talk to anyone
 21 about the case at all until the trial is completed.
 22 You can talk to the lawyers, though, as long as
 23 other witnesses aren't present. And, of course,
 24 all witnesses are instructed not to be exposed in
 25 any way to the case through media or otherwise.

1 You understand that?

2 THE WITNESS: I understand.

3 THE COURT: Thank you, sir.

4 I'm going to ask the parties to remain.

5 But the jury and Mr. Caci are excused, then, for
 6 the evening recess.

7 (The proceedings concluded.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF ARIZONA }
 2 COUNTY OF YAVAPAI } ss: REPORTER'S CERTIFICATE

3

4 I, Mina G. Hunt, do hereby certify that I
 5 am a Certified Reporter within the State of Arizona
 6 and Certified Shorthand Reporter in California.

7 I further certify that these proceedings
 8 were taken in shorthand by me at the time and place
 9 herein set forth, and were thereafter reduced to
 10 typewritten form, and that the foregoing
 11 constitutes a true and correct transcript.

12 I further certify that I am not related
 13 to, employed by, nor of counsel for any of the
 14 parties or attorneys herein, nor otherwise
 15 interested in the result of the within action.

16 In witness whereof, I have affixed my
 17 signature this 24th day of March, 2011.

18

19

20

21

22

23

24

25

 MINA G HUNT, AZ CR No 50619
 CA CSR No 8335

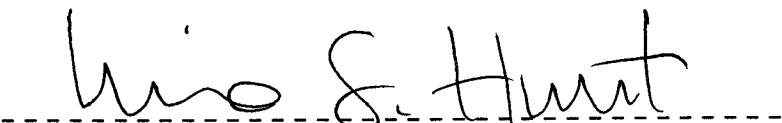
1 STATE OF ARIZONA)
2) ss: REPORTER'S CERTIFICATE
3 COUNTY OF YAVAPAI)

4 I, Mina G. Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California.

7 I further certify that these proceedings
8 were taken in shorthand by me at the time and place
9 herein set forth, and were thereafter reduced to
10 typewritten form, and that the foregoing
11 constitutes a true and correct transcript.

12 I further certify that I am not related
13 to, employed by, nor of counsel for any of the
14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action.

16 In witness whereof, I have affixed my
17 signature this 24th day of March, 2011.

18
19
20
21
22 
23 -----
24 MINA G. HUNT, AZ CR No. 50619
25 CA CSR No. 8335